THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICCOLE TYSON, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6

DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

NOTICE OF A CITY COUNCIL MEETING OF THE CITY OF MANVEL
November 21, 2022

NOTICE IS HEREBY GIVEN
6:00 P.M. REGULAR SESSION

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Manvel City Council will convene a regular meeting at the Manvel City Hall, located at **20031 Hwy 6, Manvel Tx 77578** for the purpose of discussing and if appropriate, take action with respect to the following items:
NOTE: The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting.
Please contact the City Secretary at 281-489-0630 X6 for further information.

Regular Session

Call To Order

Inspirational Reading - Council Member Akery

Pledge
Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Public Hearing
Public Hearing to hear comments "for" or "Against" an Oil and Gas Drilling Well Application from Denbury Onshore, LLC. requesting to deepen the Lemmer, J. #12 Well, an oil and gas well in the T. Spraging Survey Abstract 366, City of Manvel, Brazoria County, Texas.

Public Comments: "Comment Card" Required

o Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

City Manager Update

Update on current events and city issues.

Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a City Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

1. Approve the second and final reading of Ordinance 2022-O-29;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF 40' CITY RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 1.354 ACRES OF LAND, BEING AN UNNAMED AND UNIMPROVED ROAD EASEMENT OF RECORD IN VOLUME 3, PAGE 139, OF THE BRAZORIA COUNTY PLAT RECORDS, IN THE M.V. O'DONNEL SURVEY ABSTRACT NO. 479 BEING PART OF 116.90 ACRE TRACT INCLUDING TRACT 1 - 35.298 ACRES AND TRACT 2 - 80.247 ACRES IN BCCF # 2020004157 IN THE CITY OF MANVEL, BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT. (FORWARDED WITH FAVORABLE RECOMMENDATION BY PD&Z).

2. Approve the second and final reading of Ordinance 2022-O-30;
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 53. "SIGNS" BY REVISING THE REGULATIONS PERTAINING TO SIGNS WITHIN THE CITY OF MANVEL AND EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

3. Approve the second and final reading of Ordinance 2022-O-31;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING CHAPTER 50. *PLANNING AND DEVELOPMENT*, ARTICLE III. *COMPREHENSIVE PLAN*, BY AMENDING SECTION 50-53. *MASTER DRAINAGE PLAN* APPROVING THE UPDATE TO THE CITY'S MASTER DRAINAGE PLAN; PROVIDING FOR CONFORMITY OF ALL DRAINAGE REGULATIONS TO THE 2022 MASTER

DRAINAGE PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.

4. Final acceptance of the infrastructure improvements and release of the associated Maintenance Bonds for Bluewater Lakes Section 3.

5. Acceptance of the infrastructure improvements for Meridiana Section 52 to begin the one-year Maintenance Period.

6. Acceptance of the infrastructure improvements for Meridiana Section 54A to begin the one-year Maintenance Period.

7. Acceptance of the infrastructure improvements for the MUD 56 Lift Station to begin the two-year Maintenance Period.

8. Approve the granting of an electric easement located near the Maverick Water Plant to CenterPoint Energy Houston Electric, LLC.
Located within a certain 1.090 ACRES IN THE MARY O'DONNELL SURVEY ABSTRACT NO. 483 CITY OF MANVEL, TEXAS.
*Water plant site (*Special Warranty Deed accepted by City Council on 11/15/2021)

9. Approve the meeting minutes to date.

Regular Agenda

1. Reconsideration of a subdivision variance request seeking to vary Chapter 62, Section 62-111, Additional Street Requirements for a 5.0-acre tract of land located along south side of Del Bello Boulevard on the west side of its intersection with Pollard Drive. The subject site abuts the property located at the southwest corner of Del Bello Boulevard and Pollard Drive intersection.

2. Consideration and possible action to approve a variance from the Manvel Town Center PUD, Exhibit E, IV. Project/Plan Description, C. Development Guidelines, 5) Parking, for parking lot one-way aisle minimum width.

3. Consideration and possible action regarding an application for an oil and gas drilling permit from Denbury Onshore, LLC. for the Lemmer, J. #12 Well, an oil and gas well in the T. Spraging Svy, A 366, City of Manvel, Brazoria County, Texas.

Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report.

Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel City Council is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public on November 18, 2022 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

MANVEL P D&Z
DATA SHEET

MEETING DATE: October 24, 2022

TOPIC: Consideration and possible action to approve and forward with recommendation to City Council a request for closure and abandonment of an unimproved 40-foot road from a subdivision of 116.90 acres of land.

BACKGROUND: The owner of the property, City of Manvel, requests an unimproved 40-foot right-of-way be closed and abandoned. This is a 116.90-acre tract purchased by the City for the Regional Drainage Facility located on Jordan Street and Masters Road. An unimproved 40-foot road (Vol. 3, Pg. 139 B.C.P.R.) traverses the 116.90-acre tract from north (Refugio Macias property) to south (GCWA Canal). The utility companies have been notified of the road closure and abandonment and have offered no objection. Since the City will be constructing a regional drainage pond at this site, the 40-foot road is not needed.

RECOMMENDATION: City staff recommends approval of the closure and abandonment of the unimproved 40-foot road located on the 116.90-acre tract of land.

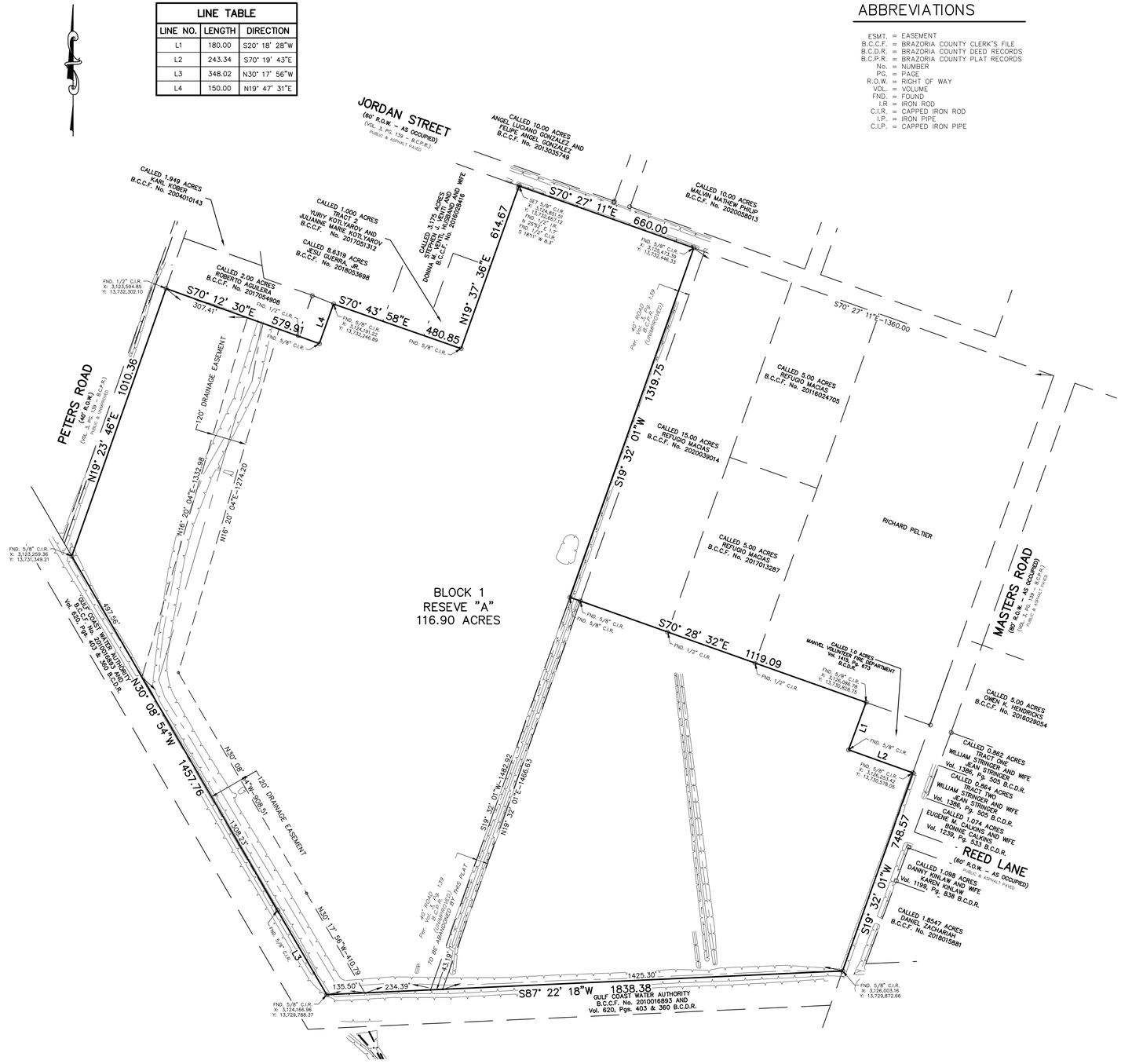
ATTACHMENTS: Proposed Plat and Application

FUNDING ISSUES

_X_ **Not applicable**
___ **Not budgeted**
___ **Full amount already budgeted**
___ **Funds to be transferred from Acct.#**

SUBMITTING STAFF MEMBER Jessica Rodriguez	**FINANCE DIRECTOR APPROVAL** _____ **CITY MANAGER APPROVAL** _____

LINE TABLE		
LINE NO.	LENGTH	DIRECTION
L1	180.00	S20° 18' 28"W
L2	243.34	S70° 19' 43"E
L3	348.02	N30° 17' 56"W
L4	150.00	N19° 47' 31"E



ABBREVIATIONS

ESMT. = EASEMENT
B.C.C.F. = BRAZORIA COUNTY CLERK'S FILE
B.C.D.R. = BRAZORIA COUNTY DEED RECORDS
B.C.P.R. = BRAZORIA COUNTY PLAT RECORDS
No. = NUMBER
PG. = PAGE
R.O.W. = RIGHT OF WAY
VOL. = VOLUME
FND. = FOUND
I.R = IRON ROD
C.I.R. = CAPPED IRON ROD
I.P. = IRON PIPE
C.I.P. = CAPPED IRON PIPE

NOTES:

1. THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS FOR THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF MANVEL. ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
2. ALL BEARINGS REFERENCED ARE THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE.
3. TEMPORARY BENCHMARK: "LL" IN MUELLER ON FLANGE OF FIRE HYDRANT ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 6 APPROXIMATELY 90'± NORTH OF THE NORTHEAST CORNER OF THE SURVEYED PROPERTY, AS SHOWN ON SHEET 1 OF SURVEY.

   T.B.M. ELEVATION=54.73', NAVD 1988
4. BENCHMARK: NGS MONUMENT E 306 (AW2026) BEING A BRASS DISK SET IN CONCRETE STAMPED "E 306 1935" ALONG THE GULF, COLORADO, AND SANTA FE RAILWAY 2 MILES WEST OF MANVEL, 32' NORTH OF THE CENTERLINE OF A GRAVEL ROAD AND 6' NORTHWEST OF A UTILITY POLE.

   ELEVATION=52.00 FEET, NAVD 1988
5. THIS TRACT LIES IN ZONE "AO", SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD, OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR THE CITY OF MANVEL, BRAZORIA COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY MAP NO. 480076, DATED DECEMBER 30, 2020. CONTACT THE BRAZORIA COUNTY FLOODPLAIN ADMINISTRATOR FOR THE FLOOD INFORMATION.
6. ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE OWNER.
7. ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISON SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CI1Y OF MANVEL AND BRAZORIA DRAINAGE DISTRICT N0. 4.
8. ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF MANVEL AND ASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
9. BOUNDARY CLOSURE CALCULATIONS IS AT LEAST 1:15,000.
10. SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR EACH TRACT.
11. THE FINAL PLAT WILL EXPIRE IN TWO (2) YEARS AFTER FINAL APPROVAL BY PDZ. IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY PDZ.
12. UPON APPROVAL OF THE FINAL PLAT, COMPLIANCE WITH ALL CONDITIONS, AND SUBMISSION OF ALL REQUIRED DOCUMENTATION, THE COUNCIL WILL CONSIDER THE ACCEPTANCE OF THE IMPROVEMENTS. A TWO-YEAR MAINTENACE BOND IN THE AMOUNT OF 100 PERCENT OF THE TOTAL COST OF THE INFRASTRUCTURE IMPROVEMENTS OR A ONE-YEAR LETTER OF CREDIT IN THE AMOUNT OF 50 PERCENT OF THE TOTAL COST OF THE INFRASTRUCTURE IMPROVEMENTS SHALL BE REQUIRED FOR THE PUBLIC IMPROVEMENTS BEING DEDICATED TO THE CITY. ADDITIONALLY, AN UPDATED ORIGINAL CERTIFICATE OBTAINED FROM THE APPROPRIATE COUNTY TAXING AUTHORITY SHOWING THAT ALL TAXES HAVE BEEN PAID ON THE TRACT TO BE SUBDIVIDED AND THAT THERE ARE NO OUTSTANDING DELINQUENT TAXES AGAINST THE PROPERTY SHALL BE PROVIDED BEFORE THE PLAT CAN BE FILED WITH THE COUNTY. ONCE SUCH PAPERWORK IS SUBMITTED, AND THE IMPROVEMENTS APPROVED BY THE CITY ENGINEER AND ACCEPTED BY THE COUNCIL, THE CITY SHALL FILE THE PLAT WITH COUNTY. THE CITY SHALL BE LISTED AS AN OWNER ON ALL REQUIRED DOCUMENTATION. THE ACCEPTANCE OF THE IMPROVEMENTS BY THE COUNCIL IS VALID FROM THE DATE OF COUNCIL ACCEPTANCE.
13. BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE DETENTION PONDS, HAVE BEEN CONSTRUCTED.
14. DEVELOPMENT REGULATIONS AND CITY PERMITS ARE REQUIRED ON ALL PROPERTY.

BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT No. 3 NOTES:

1. DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR THE PURPOSES OF DRAINAGE WORK, PROVIDED BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT No. 3 (B.C.C.R.D. #3) IS PROPERLY NOTIFIED.
2. ALL DRAINAGE EASEMENTS SHOWN HEREON SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF DRAINAGE FACILITIES. LANDSCAPING SHALL BE PERMITTED WITHIN THE DETENTION PONDS LOCATED WITHIN THIS SUBDIVISION.
3. MAINTENANCE OF DETENTION FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. B.C.C.R.D. #3 SHALL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY B.C.C.R.D. #3 OR SUB-REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO B.C.C.R.D. #3 WITH THEIR APPROVAL. B.C.C.R.D. #3 SHALL BE RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THEM, UNLESS B.C.C.R.D. #3 SPECIFICALLY CONTACTS OR AGREES TO MAINTAIN OTHER FACILITIES.
4. THE SIDES OF DRAINAGE CHANNELS AND DETENTION FACILITIES SHALL BE HYDROMULCH SEEDED.
5. OUTFALL STRUCTURES AND CULVERTS SHALL COMPLY WITH SECTION LLL S, 2 OF THE BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT No. 3 REGULATIONS. BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT No. 3 HAS ADOPTED THE BRAZORIA COUNTY DRAINAGE DISTRICT CRITERIA MANUAL AS ITS GUIDE. EROSION PROTECTION FOR OUTFALL STRUCTURES MUST BE REINFORCED CONCRETE. CONCRETE RUBBLE IS NOT ALLOWED.
6. B.C.C.R.D. #3 APPROVAL OF THE FINAL DRAINAGE PLANS AND FINAL PLAT (IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ANY AND ALL EASEMENTS, FEE STRIPS AND/OR ANY OTHER RIGHT-OF-WAY ACROSS THIRD PARTY DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLANS AND THE FINAL PLAT.
7. B.C.C.R.D. #3 PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANY TIME DURING CONSTRUCTION OR AS MAY BE WARRANTED TO ENSURE THE DETENTION FACILITIES ARE OPERATING PROPERLY.
8. DETENTION IS REQUIRED BY B.C.C.R.D. #3 IN ORDER TO OFFSET ADDITIONAL STORM RUNOFF DUE TO THE INCREASED IMPERVIOUS COVER FROM THE DEVELOPMENT.

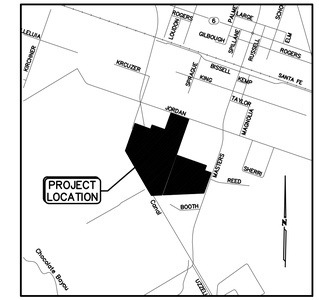
THIS IS TO CERTIFY THAT BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 HAS APPROVED THE PLAT OF _____ AS SHOWN HEREON ON THE _____ DAY OF _____, 202 .

RICKY KUBECZKA
COMMISSIONER

JODY SCHIBI
COMMISSIONER

ALFRED FROBERG, JR.
COMMISSIONER

DONG NGUYEN, P.E., C.F.M.
DISTRICT ENGINEER



VICINITY MAP

SCALE: 1" = 1/2 MI.
KEY MAP : XXXX

PRELIMINARY PLAT

MANVEL MASTERS DETENTION

A SUBDIVISION OF 116.90 ACRES OF LAND
BEING ALL OF
TRACT ONE-A CALLED 35.298 ACRE TRACT OF LAND
AND TRACT TWO-A CALLED 80.247 ACRE TRACT OF
LAND RECORDED IN THE NAME OF THE CITY OF MANVEL,
TEXAS IN BRAZORIA COUNTY CLERK'S
FILE NUMBER 2020004157
AND BEING
OUT OF OUTLOTS 133 AND 159 AND ALL OF A 40'
ROAD AND OUTLOTS 132 AND 160, MANVEL OUTLOTS, A
SUBDIVISION RECORDED IN VOLUME 3, PAGE 139,
BRAZORIA COUNTY PLAT RECORDS

M.V. O'DONNELL SURVEY
ABSTRACT NO.479
AND THE
H.T. & B. R.R. CO. SURVEY
ABSTRACT NO. 484

CITY OF MANVEL
BRAZORIA COUNTY, TEXAS
OWNERS: THE CITY OF MANVEL
20031 MORIS AVENUE, MANVEL , TX 77518
281-489-0630

JANUARY,, 2022
1 BLOCK 1 RESERVE

0 100 200 400 600
SCALE IN FEET
1" = 200'

ENGINEER
LENTZ ENGINEERING
11511 N. GARDEN STREET
HOUSTON, TEXAS 77071
PHONE : 713.839.8900
FAX : 713.839.9020
TBPE REGISTRATION No. F-001378
www.lentzengineering.net

SURVEYOR
10590 WESTOFFICE DRIVE, SUITE #100
HOUSTON, TEXAS 77042
OFFICE: (713) 839-9181
FAX: (713) 839-9020
Civil-Surv
Land Surveying,LLC
TBPLS No. 10143800
Email: michael@civil-surv.net

LE-20017

F:\Data\2020\20017 - Manvel Detention Pond\4.0 Drawings\Lentz\Plat\20017PLAT.dwg June 28, 2022 1:09:53 PM Brian Miller

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, THE CITY OF MANVEL, A HOME RULE CORPORATION, OWNER OF THE PROPERTY SUBDIVIDED, IN THIS PLAT OF MANVEL MASTERS DETENTION, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID CORPORATION, ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS, ALLEYS, PARKS AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE, THE STREETS, ALLEYS, PARKS AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNED TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF
THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED, HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS TWENTY-ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF
THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN (7' 0") FOR SIXTEEN FEET (16' 0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT OT BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

IN TESTIMONY, HERETO, THE CITY OF MANVEL, HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____, ITS _____, THEREUNTO AUTHORIZED, ATTESTED BY ITS _____, _____, AND ITS COMMON SEAL HEREUNTO AFFIXED, THIS ____ DAY OF_____ 2021.

BY: THE CITY OF MANVEL

BY: _____
_____, TITLE

BY: _____
_____, TITLE

STATE OF TEXAS

COUNTY OF

BEFORE ME, THE UNDER SIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED PERSON 1, AND PERSON 2 OF THE CITY OF MANVEL, KNOWN TO ME, TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENTS, AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF SAID CORPORATION, FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITIES THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____ 2021.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, MICHEAL HALL, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN ACCORDANCE WITH THE INFORMATION PROVIDED ME AND CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF SURVEY AND IS TRUE AND CORRECT AND THAT ALL BOUNDARY CORNERS, LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8 INCH DIAMETER IRON RODS THREE FEET LONG OR AS SHOWN ON THE PLAT. (SEE NOTE NO. 4)

_____
MICHEAL HALL, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5765

WE, METHODIST BOARD OF MISSIONS OF HOUSTON DISTRICTS, OWNER AND HOLDER OF A LIEN AGAINST THE ABOVE-DESCRIBED PROPERTY, SAID LIEN BEING EVIDENCED BY AN INSTRUMENT OF RECORD IN VOLUME 763, PAGE 585, FILED IN THE DEED RECORDS OR OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE TO SAID SUBDIVISION AND DEDICATION SAID LIENS, AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME, NOR ANY PART THEREOF.

STATE OF TEXAS

COUNTY OF

BEFORE ME, THE UNDER SIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, PRESIDENT, AND _____, SECRETARY OF _____, KNOWN TO ME, TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENTS, AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF SAID CORPORATION, FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITIES THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____ 2021.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF MANVEL MASTERS DETENTION AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF_____, _____ 2022.

_____	_____
MAYOR DEBRA DAVISON	LARRY AKERY
_____	_____
LORRAINE HEHM-MAYOR PRO-TEM	JASON ALBERT
_____	_____
DAN DAVIS	JEROME HUDSON
_____	
NICCOLE TYSON	

THIS IS TO CERTIFY THAT THE CITY PLANNING, DEVELOPMENT, AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS HAS APPROVED THIS PLAT OF MAVEL MASTERS DETENTION IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF_____, 2022.

_____
PLANNING, DEVELOPMENT, AND ZONING COMMISSION

County: Brazoria
Project: 117 Ac Manvel
M&B No: 21-212
CS Job No: 20144

METES AND BOUNDS DESCRIPTION OF 116.90 ACRES

Being a tract of land containing 116.90 acres, located in the M.V. O'Donnell Survey, Abstract 479 and the H.T. & B.R.R. Co. Survey, Abstract 484, in Brazoria County, Texas; Said 116.90 acre tract being all of Tract One and Tract Two recorded in the name of The City of Manvel, Texas, in Brazoria County Clerk's File (B.C.C.F.) Number 2020004157, same being out of Outlots 131, 132, 133, 159, 160 and a portion of an unimproved forty feet wide road in Manvel Outlots, a subdivision recorded in Volume 3, Page 139, of the Brazoria County Plat Records (B.C.P.R.); Said 116.90 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING, at a 5/8-inch capped iron rod found for the northeast corner of said Tract Two, same being the northeast corner of Outlot 132, on the northwest line of said forty feet wide unimproved road and being on the southwest Right-of-Way (R.O.W.) line of Jordan Street (sixty feet wide as occupied);

THENCE, South 19° 32' 01" West, with the southeast line of said Tract Two, same being the southeast line of said Outlot 132 and the northwest R.O.W. line of said forty feet wide unimproved road, a distance of 1319.74 feet to a 5/8-inch capped iron rod found for the southeast corner of said Outlot 132, same being the northeast corner of said Outlot 160;

THENCE, South 70° 28' 32" East, through and across said forty feet wide unimproved road, at 40.00 feet pass a 5/8-inch iron rod found at the northwest corner of said Tract One, same being the northwest corner of said Outlot 159, and the southwest corner of a called 15.00 acre tract of land recorded in the name of Refugio Macias in B.C.C.F. Number 2020039014, same being the southwest corner of said Outlot 131, on the southeast R.O.W. line of said forty feet wide unimproved road and continuing with the northeast line of said Tract One, same being the northeast line of said Outlot 159, and with the southwest line of said 15.00 acre tract and the southwest line of a called 5.00 acre tract of land recorded in the name of Refugio Macias in B.C.C.F. Number 2017013287, same being the southwest lines of said Outlot 131 and Outlot 130, an overall distance of 1,119.09 feet to a 5/8-inch iron rod found for the most northerly northeast corner of said Tract One and the northwest corner of a called 1.000 acre tract of land recorded in the name of Manvel Volunteer Fire Department in Volume 1415, Page 673, of the B.C.D.R.;

THENCE, with lines common to said Tract One and said 1.000 acre tract the following two (2) courses:

1. South 20° 18' 28" West, a distance of 180.00 feet to a 5/8-inch capped iron rod found for the southwest corner of said 1.000 acre tract;
2. South 70° 19' 43" East, a distance of 243.34 feet to a 5/8-inch capped iron rod found for the most easterly northeast corner of said Tract One and the southeast corner of said 1.000 acre tract on the northwest R.O.W. line of Masters Road (eighty feet wide as occupied);

THENCE, South 19° 32' 01" West, with the southeast line of said Tract One and the northwest R.O.W. line of said Masters Road, a distance of 748.57 feet to a 5/8-inch capped iron rod found for the southeast corner of said Tract One on the north line of a tract of land recorded in the name of Gulf Coast Water Authority in B.C.C.F. No. 2010016893 and Volume 620, Pages 403 and 360, of the Brazoria County Deed Records;

THENCE, with the south line of said Tract One, same being the south line of said Outlot 159, through and across said fort feet wide unimproved road, with the south and southwest lines of said Tract Two, same being the south and southwest lines of said Outlot 160, and with the north and northeast lines of said Gulf Coast Water Authority tract, the following three (3) courses:

1. South 87° 22' 18" West, a distance of 1,838.38 feet to a 5/8-inch capped iron rod found for the south corner of said Tract Two;
2. North 30° 17' 56" West, a distance of 348.02 feet to a 5/8-inch capped iron rod found for an angle point in the southwest line of said Tract Two;
3. North 30° 08' 54" West, a distance of 1,457.76 feet to a 5/8-inch capped iron rod found for the west corner of said Tract Two, same being the west corner of said Outlot 160, on the southeast R.O.W. line of Peters Road (unimproved, forty feet wide per Volume 3, Page 139, of the B.C.P.R.);

THENCE, North 19° 23' 46" East, with the northwest line of said Tract Two, same being the northwest line of said Outlots 160 and 133, and with the southeast R.O.W. line of said Peters Road, a distance of 1,010.36 feet to a 1/2-inch iron capped iron rod found for the most westerly northwest corner of said Tract Two and the southwest corner of a called 2.00 acre tract of land recorded in the name of Roberto Aguilera in B.C.C.F. Number 2017054908;

THENCE, through and across said Outlot 133 with northerly lines of said Tract Two, the following three (3) courses:

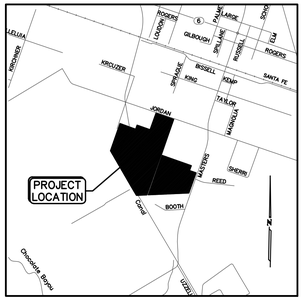
1. South 70° 12' 30" East, with a line common to said Tract Two and said 2.00 acre tract, a distance of 579.91 feet to a 5/8-inch capped iron rod found;
2. North 19° 47' 31" East, a distance of 150.00 feet to a 5/8-inch capped iron rod found for an angle point on the south line of a called 8.6319 acre tract of ;land recorded in the name of Jesus Guerra, Jr. in B.C.C.F. Number 2018053698;
3. South 70° 43' 58" East, with a line common to said Tract Two, said 8.6319 acre tract, a called 3.175 acre tract of land recorded in the name of Stephen J. Venti, Et Ux, in B.C.C.F. Number 2016028416 and a called 1.000 acre tract of land recorded in the name of Yuriy Kotlyarov and Julianne Marie Kotlyarov in B.C.C.F. Number 2017051312, a distance of 480.85 feet to a 5/8-inch capped iron rod found at the southeast corner of said 1.000 acre tract on the southeast line of said Outlet 133 and the northwest line of said Outlot 132;

THENCE, North 19° 37' 36" East, with a line common to said Tract Two, said 1.000 acre tract and said 3.175 acre tract, same being the northwest line of said Outlot 132 and the southeast line of said Outlot 133, a distance of 614.67 feet to a 5/8-inch iron rod with cap set at the northwest corner of said Tract Two and the northeast corner of said 3.175 acre tract on the southwest R.O.W. line of said Jordan Street, from which a 1/2-inch iron rod found bears North 25° 52' East, a distance of 1.7 feet and a 1/2-inch capped iron rod found bears South 18° 11' East, a distance of 8.3 feet;

THENCE, South 70° 27' 11" East, with the north line of said Tract Two and the southwest R.O.W. line of said Jordan Road, a distance of 660.00 feet to the **POINT OF BEGINNING** and containing 116.90 acres of land.

_____
Michael Hall, R.P.L.S.
Texas Registration Number 5765

CIVIL-SURV LAND SURVEYING, LC
PH: (713) 839-9181
November 10, 2021



VICINITY MAP
SCALE: 1" = 1/2 MI.
KEY MAP : XXXX

PRELIMINARY PLAT

MANVEL MASTERS DETENTION

A SUBDIVISION OF 116.90 ACRES OF LAND
BEING ALL OF
TRACT ONE-A CALLED 35.298 ACRE TRACT OF LAND
AND TRACT TWO-A CALLED 80.247 ACRE TRACT OF
LAND RECORDED IN THE NAME OF THE CITY OF
MANVEL, TEXAS IN BRAZORIA COUNTY CLERK'S
FILE NUMBER 2020004157
AND BEING
OUT OF OUTLOTS 133 AND 159 AND ALL OF
OUTLOTS 132 AND 160, MANVEL OUTLOTS, A
SUBDIVISION RECORDED IN VOLUME 3, PAGE 139,
BRAZORIA COUNTY PLAT RECORDS

M.V. O'DONNELL SURVEY
ABSTRACT NO.479
AND THE
H.T. & B. R.R. CO. SURVEY
ABSTRACT NO. 484

CITY OF MANVEL
BRAZORIA COUNTY, TEXAS
OWNERS: THE CITY OF MANVEL
20031 MORIS AVENUE, MANVEL , TX 77518
281-489-0630

JANUARY,, 2022
1 BLOCK 1 RESERVE

0 100 200 400 600
SCALE IN FEET
1" = 200'

ENGINEER
LENTZ ENGINEERING
11511 N. GARDEN STREET
HOUSTON, TEXAS 77071
PHONE : 713.839.8000
FAX : 713.839.8020
TBPE REGISTRATION No. F-001378
www.lentzengineering.net

SURVEYOR
10590 WESTOFFICE DRIVE, SUITE #100
HOUSTON, TEXAS 77042
OFFICE: (713) 839-9181
FAX: (713) 839-9020
Civil-Surv
Land Surveying,LLC
TBPLS No. 10143800
Email: michael@civil-surv.net

LE-20017

F:\Data\2020\20017 - Manvel Detention Pond\4.0 Drawings\Lentz\Plat\20017PLAT.dwg June 28, 2022 1:09:53 PM Brian Miller

City of Manvel
20025 Hwy 6 * Manvel, TX 77578
Phone 281-489-0630 Fax 281-489-0634

Application for Abandonment, Vacation, Closing and Relocation of Streets, Alleys, Rights-of-Way and Easements

Fees: $1000.00 (to be paid after staff determines if the request is feasible)

Date 7/26/22

Name of property owner: (Proof of ownership must be provided)

CITY OF MANVEL

Address: 20031 MORRIS AVENUE Phone# 281-489-0630
MANVEL, TX 77578

Reason and intent for requested action:

VACATE A 40' ROAD WITH NO EXISTING ROAD IMPROVEMENTS

Entire limits and extent of the property to be abandoned, vacated, closed or relocated:

PART OF 116.90 ACRE TRACT INCLUDING TRACT 1 - 35.298 ACRES AND TRACT 2 - 80.247 ACRES IN BCCF # 2020004157.

Signature of Applicant

Procedures: Date of Action _____

FEES PAID N/A _____ *Check Number* _____

Collect the following documents

_____ A formal recent survey prepared by a registered professional land surveyor that identifies the location and physical configuration of the site. The survey shall also specify the acreage or square footage;

_____ The proper legal description of the property to be considered for abandonment, including, if appropriate, a metes and bounds description verified by a registered surveyor or by county records (that will identify the property by a legal instrument with volume, page, etc.); and

_____ Collect administration processing fee of $1,000.00 to cover the cost of the title report, appraisal, staff and consultant review time, and the ordinance and deed preparation legal fees;

Staff procedures:

_____ Commission a title report of the area to be abandoned.

_____ Commission an independent appraisal of the area to be abandoned;

_____ Send letters to all utility companies, drainage districts, affected city departments, and/or other interested agencies identifying the proposed action and requesting a letter of "no objection" from each of the concerned entities within thirty (30) days; and

_____ Determine if a utility easement is needed in the area considered to be abandoned and, if determined to be necessary, to have the new utility easement reserved in the deed of conveyance or obtained separately and recorded in the property deed record to be filed with the Brazoria County Clerk.

_____ Scheduled Public Hearing Date for Planning Development and Zoning

_____ Scheduled Public Hearing Date for City Council (1st reading of the ordinance)

_____ Notice to property owners will be initiated ten (10) days prior to the schedule public hearing. The city shall provide written notice of such public hearing to each owner of real property, as indicated by the most recently approved city tax roll, whose property abuts or lies within 200 feet of the subject street, alley, right-of-way or easement.

_____ Collect tender/escrow by the applicant(s) of the appraised value of the abandoned area (must be collected prior to second reading of the ordinance)

_____ Upon request by applicant, and the pre-payment of all recordation fees, a quitclaim deed will be prepared and filed in the deed records of the Brazoria County Clerk. The Mayor and City Manager are authorized to execute said quitclaim deeds.

County: Brazoria
Project: Manvel Detention
M&B No: 22-209
CS Job No: 20144

METES AND BOUNDS DESCRIPTION OF 1.354 ACRES

Being a tract of land containing 1.354 acres, located in the M.V. O'Donnell Survey, Abstract 479, in Brazoria County, Texas; Said 1.354 acre tract being out of a forty feet wide unnamed and unimproved road easement of record in Volume 3, Page 139, of the Brazoria County Plat Records (B.C.P.R); Said 1.354 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING, at a 5/8-inch capped iron rod found on the northwest Right-of-Way (R.O.W.) line of said forty feet wide road easement and on the southeast line of a called 80.247 acre tract of land described as Tract Two and recorded in the name of the City of Manvel in Brazoria County Clerk's File Number (B.C.C.F. No.) 2020004157, same being the southerly corner of Outlot 132 of Manvel Outlots, a subdivision of record in Volume 3, Page 139, of the B.C.P.R. and the easterly corner of Outlot 160 of said Manvel Outlots, for the northerly corner of the herein described tract;

THENCE, South 70° 27' 59" East, through and across said forty feet wide road easement, a distance of 40.00 feet to a 5/8-inch capped iron rod found on the southeast R.O.W. line of said forty feet wide road easement, at the northerly corner of a called 35.298 acre tract of land described as Tract One and recorded in the name of the City of Manvel in B.C.C.F. No. 2020004157, same being the westerly corner of a called 15.00 acre tract of land recorded in the name of Refugio Macias in B.C.C.F. No. 2020039014, also being the northerly corner of Outlot 159 of said Manvel Outlots and the westerly corner of Outlot 131 of said Manvel Outlots, for the easterly corner of the herein described tract;

THENCE, South 19° 32' 01" West, with the southeast R.O.W line of said forty feet wide road easement and with the northwest line of said Outlot 159 and said Tract One, a distance of 1,466.63 feet to a point at the southeast corner of said forty feet wide road easement, same being the southwest corner of said Outlot 159 and said Tract One, on the north line of a tract of land recorded in the name of Gulf Coast Water Authority in B.C.C.F. No. 2010016893, for the southeast corner of the herein described tract;

THENCE, South 87° 22' 18" West, with the south line of said forty feet wide road easement and with the north line of said Gulf Coast Water Authority tract, a distance of 43.19 feet to a point at the southwest corner of said forty feet wide road easement, same being the southeast corner of said Outlot 160 and said Tract Two, for the southwest corner of the herein described tract;

THENCE, North 19° 32' 01" East, with the northwest R.O.W. line of said forty feet wide road easement and with the southeast line of said Outlot 160 and said Tract Two, a distance of 1,482.92 feet to the **POINT OF BEGINNING** and containing 1.354 acres of land.

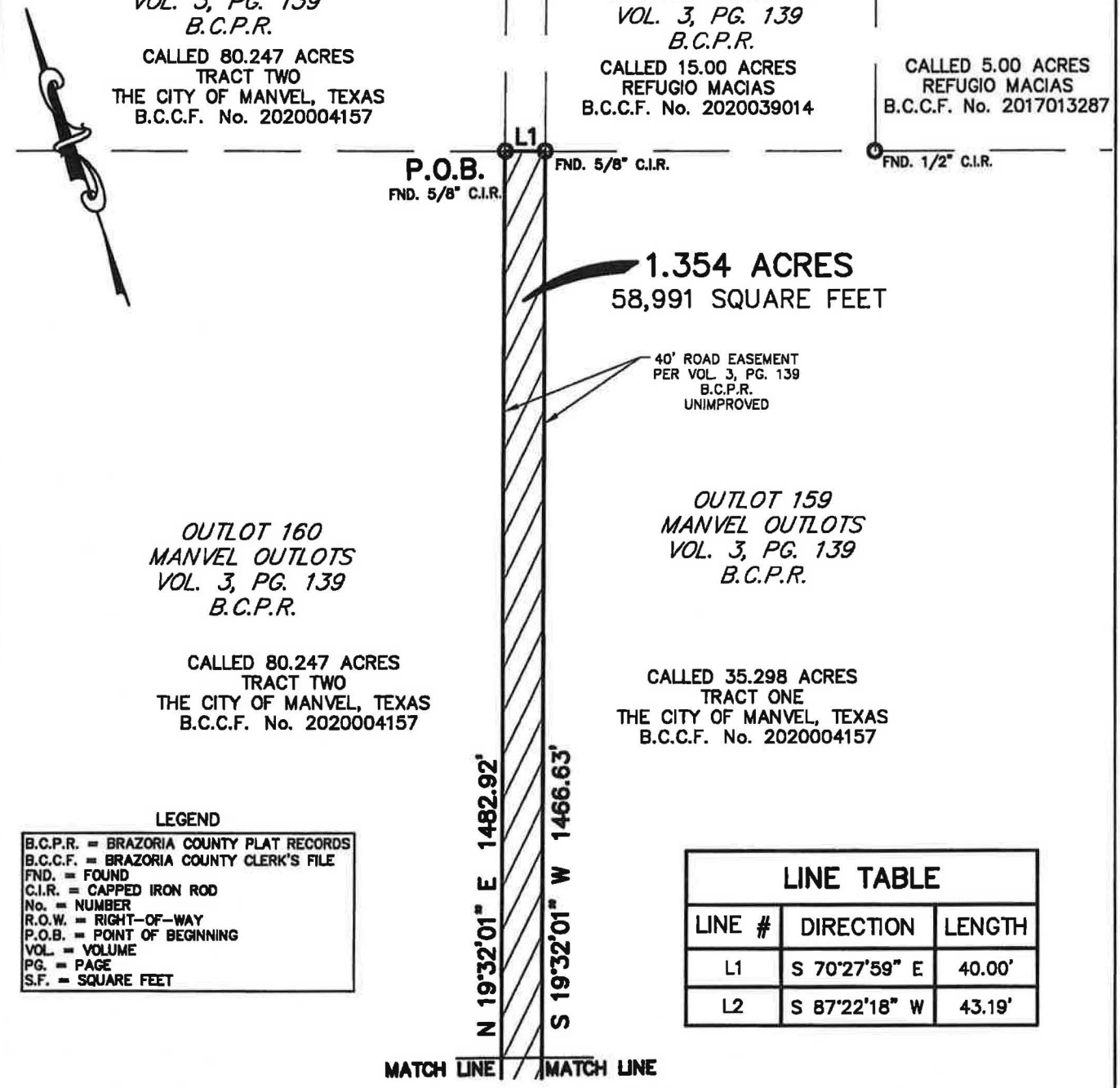
An Exhibit Map of the herein described tract was prepared in conjunction with and accompanies this description.

Chris Rhodes, R.P.L.S.
Texas Registration Number 6532

CIVIL-SURV LAND SURVEYING, LC
PH: (713) 839-9181
August 10, 2022

STATE OF TEXAS
REGISTERED
CHRIS RHODES
6532
PROFESSIONAL
LAND SURVEYOR

SCALE: 1"=150'



LEGEND

B.C.P.R. = BRAZORIA COUNTY PLAT RECORDS
B.C.C.F. = BRAZORIA COUNTY CLERK'S FILE
FND. = FOUND
C.I.R. = CAPPED IRON ROD
No. = NUMBER
R.O.W. = RIGHT-OF-WAY
P.O.B. = POINT OF BEGINNING
VOL. = VOLUME
PG. = PAGE
S.F. = SQUARE FEET

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S 70°27'59" E	40.00'
L2	S 87°22'18" W	43.19'

NOTE:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE HAS BEEN PREPARED IN CONJUNCTION WITH AND ACCOMPANIES THIS EXHIBIT.

10590 WESTOFFICE DRIVE, SUITE #100
HOUSTON, TEXAS 77042
Civil-Surv
Land Surveying, LLC
OFFICE: (713) 839-9181
TBPELS No. 10143800
Email: michael@civil-surv.net

1.354 ACRE EXHIBIT

OUT OF A 40' FEET WIDE UNNAMED AND UNIMPROVED ROAD EASEMENT OF RECORD IN VOLUME 3, PAGE 139, OF THE BRAZORIA COUNTY PLAT RECORDS, IN THE

M.V. O'DONNEL SURVEY
ABSTRACT NO. 479

BRAZORIA COUNTY, TEXAS JOB#: 20144 AUGUST 10, 2022

ORDINANCE NO. 2022-O-29

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF 40' CITY RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 1.354 ACRES OF LAND, BEING AN UNNAMED AND UNIMPROVED ROAD EASEMENT OF RECORD IN VOLUME 3, PAGE 139, OF THE BRAZORIA COUNTY PLAT RECORDS, IN THE M.V. O'DONNEL SURVEY ABSTRACT NO. 479 BEING PART OF 116.90 ACRE TRACT INCLUDING TRACT 1 - 35.298 ACRES AND TRACT 2 - 80.247 ACRES IN BCCF # 2020004157 IN THE CITY OF MANVEL, BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City of Manvel, Texas, wishes to vacate, abandon, and close right of way known as approximately 01.354 acres of land, being a 40' unnamed and unimproved road easement of record in Volume 3, Page 139, of the Brazoria County Plat Records, in the M.V. O'Donnel Survey Abstract No. 479 being part of 116.90 acre tract including tract 1 - 35.298 acres and tract 2 - 80.247 acres in BCCF # 2020004157in the City of Manvel, Brazoria County, Texas; and

WHEREAS, the application for abandonment is attached hereto as Exhibit A;

WHEREAS, the City Council has determined that such public right-of-way is no longer necessary for public convenience and necessity and should be vacated, abandoned, and closed, and any interest in said right of way released; now, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, STATE OF TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City Council of the City of Manvel, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of city right-of-way consisting of 1.354 acres of land, being a 40' unnamed and unimproved road easement of record in Volume 3, Page 139, of the Brazoria County Plat Records, in the M.V. O'Donnel Survey Abstract No. 479 being part of 116.90-acre tract including tract 1 - 35.298 acres and tract 2 - 80.247 acres in BCCF # 2020004157in the City of Manvel, Brazoria County, Texas, and being more particularly described by metes and bounds, and shown by map, in the application attached as Exhibit A, attached hereto and incorporated herein.

Section 3. The right-of-way is hereby vacated, abandoned, and closed, and any public right-of-way interest therein is released.

Section 5. The Mayor and City Secretary are hereby authorized to execute and attest, respectively, a quitclaim deed, conveying the respective abandoned right of way interests to the abutting property owner(s).

Section 6. Repealer. All ordinances or parts of ordinances, or resolutions, official or unofficial policies, or practices inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 7. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of

Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this _____ day of October, 2022.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____ , 2022.

_____
Debra Davison, Mayor

ATTEST:

_____
Tammy Bell, City Secretary

APPROVED AS TO FORM:

_____
Robert Gervais, City Attorney

City of Manvel
20025 Hwy 6 * Manvel, TX 77578
Phone 281-489-0630 Fax 281-489-0634

Application for Abandonment, Vacation, Closing and Relocation of Streets, Alleys, Rights-of-Way and Easements

Fees: $1000.00 (to be paid after staff determines if the request is feasible)

Date 7/26/22

Name of property owner: (Proof of ownership must be provided)

CITY OF MANVEL

Address: 20031 MORRIS AVENUE Phone# 281-489-0630
MANVEL, TX 77578

Reason and intent for requested action:

VACATE A 40' ROAD WITH NO EXISTING ROAD IMPROVEMENTS

Entire limits and extent of the property to be abandoned, vacated, closed or relocated:

PART OF 116.90 ACRE TRACT INCLUDING TRACT 1 - 35.298 ACRES AND TRACT 2 - 80.247 ACRES IN BCCF # 2020004157.

Signature of Applicant

County: Brazoria
Project: Manvel Detention
M&B No: 22-209
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METES AND BOUNDS DESCRIPTION OF 1.354 ACRES

Being a tract of land containing 1.354 acres, located in the M.V. O'Donnell Survey, Abstract 479, in Brazoria County, Texas; Said 1.354 acre tract being out of a forty feet wide unnamed and unimproved road easement of record in Volume 3, Page 139, of the Brazoria County Plat Records (B.C.P.R); Said 1.354 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING, at a 5/8-inch capped iron rod found on the northwest Right-of-Way (R.O.W.) line of said forty feet wide road easement and on the southeast line of a called 80.247 acre tract of land described as Tract Two and recorded in the name of the City of Manvel in Brazoria County Clerk's File Number (B.C.C.F. No.) 2020004157, same being the southerly corner of Outlot 132 of Manvel Outlots, a subdivision of record in Volume 3, Page 139, of the B.C.P.R. and the easterly corner of Outlot 160 of said Manvel Outlots, for the northerly corner of the herein described tract;

THENCE, South 70° 27' 59" East, through and across said forty feet wide road easement, a distance of 40.00 feet to a 5/8-inch capped iron rod found on the southeast R.O.W. line of said forty feet wide road easement, at the northerly corner of a called 35.298 acre tract of land described as Tract One and recorded in the name of the City of Manvel in B.C.C.F. No. 2020004157, same being the westerly corner of a called 15.00 acre tract of land recorded in the name of Refugio Macias in B.C.C.F. No. 2020039014, also being the northerly corner of Outlot 159 of said Manvel Outlots and the westerly corner of Outlot 131 of said Manvel Outlots, for the easterly corner of the herein described tract;

THENCE, South 19° 32' 01" West, with the southeast R.O.W line of said forty feet wide road easement and with the northwest line of said Outlot 159 and said Tract One, a distance of 1,466.63 feet to a point at the southeast corner of said forty feet wide road easement, same being the southwest corner of said Outlot 159 and said Tract One, on the north line of a tract of land recorded in the name of Gulf Coast Water Authority in B.C.C.F. No. 2010016893, for the southeast corner of the herein described tract;

THENCE, South 87° 22' 18" West, with the south line of said forty feet wide road easement and with the north line of said Gulf Coast Water Authority tract, a distance of 43.19 feet to a point at the southwest corner of said forty feet wide road easement, same being the southeast corner of said Outlot 160 and said Tract Two, for the southwest corner of the herein described tract;

THENCE, North 19° 32' 01" East, with the northwest R.O.W. line of said forty feet wide road easement and with the southeast line of said Outlot 160 and said Tract Two, a distance of 1,482.92 feet to the **POINT OF BEGINNING** and containing 1.354 acres of land.

An Exhibit Map of the herein described tract was prepared in conjunction with and accompanies this description.

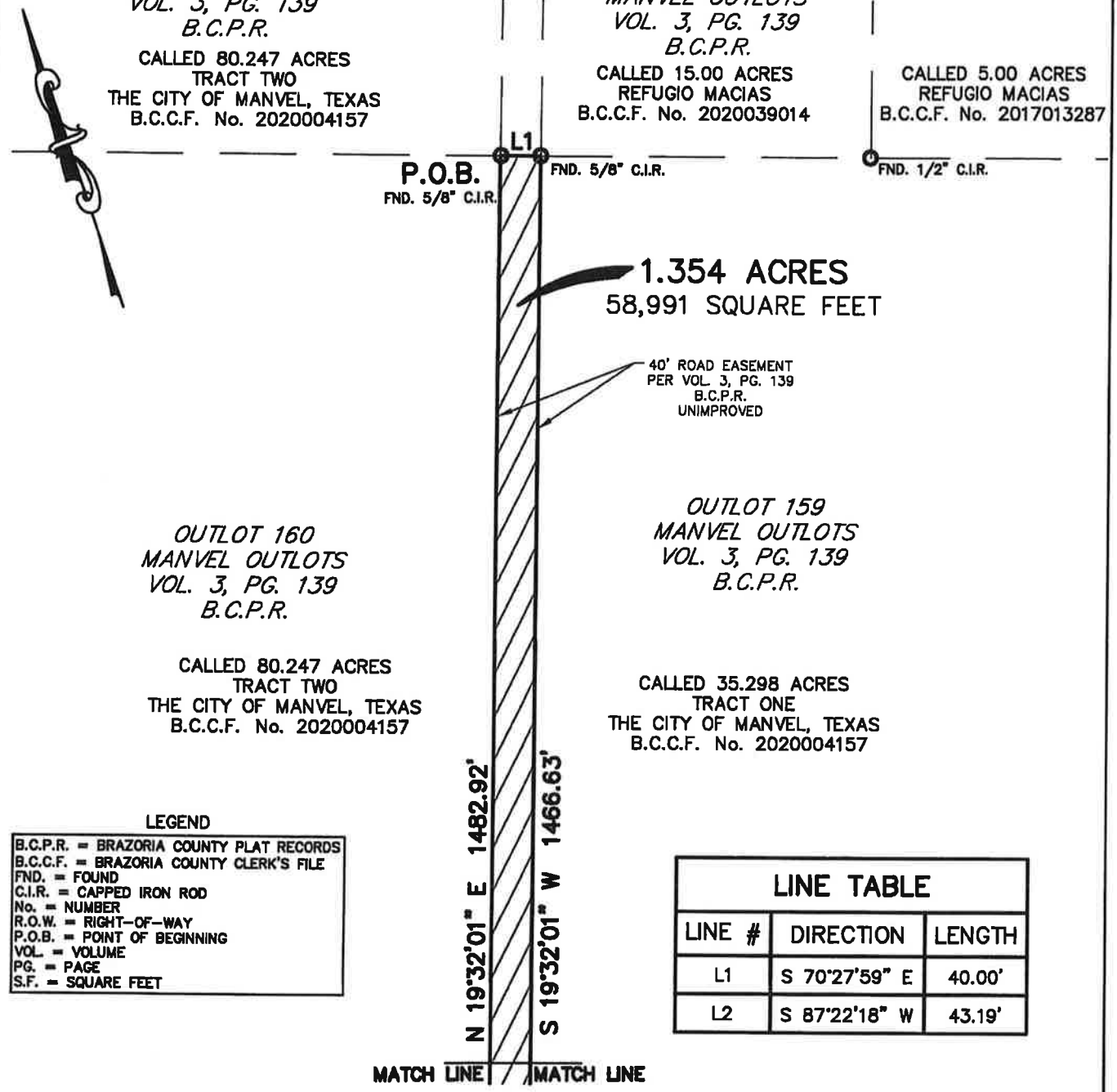
Chris Rhodes, R.P.L.S.
Texas Registration Number 6532

CIVIL-SURV LAND SURVEYING, LC
PH: (713) 839-9181
August 10, 2022

STATE OF TEXAS
REGISTERED
CHRIS RHODES
6532
PROFESSIONAL
LAND SURVEYOR

EXHIBIT ___, PAGE 3 OF 4 PAGES

SCALE: 1"=150'



LEGEND

B.C.P.R. = BRAZORIA COUNTY PLAT RECORDS
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NOTE:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE HAS BEEN PREPARED IN CONJUNCTION WITH AND ACCOMPANIES THIS EXHIBIT.

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1.354 ACRE EXHIBIT

OUT OF A 40' FEET WIDE UNNAMED AND UNIMPROVED ROAD EASEMENT OF RECORD IN VOLUME 3, PAGE 139, OF THE BRAZORIA COUNTY PLAT RECORDS, IN THE

M.V. O'DONNEL SURVEY
ABSTRACT NO. 479

BRAZORIA COUNTY, TEXAS JOB#: 20144 AUGUST 10, 2022

MANVEL CITY COUNCIL
DATA SHEET

MEETING DATE: November 21, 2022

TOPIC: Consideration and possible action to approve the second and final reading of Ordinance No. 2022-O-30

BACKGROUND: City staff has proposed amendments to Chapter 53, *Signs*, of the *Manvel Code of Ordinances* to 1) strengthen sign regulation definitions, 2) clarified allowed sign types that require permits, 3) provided a larger sign area for nonresidential temporary real estate signs, 4) included ETJ properties in Sign Districts A and B, 5) provided for spacing requirements between monument signs in Sign Districts C and D, and 6) eliminated Section 53-18, *Religious institution, private school, or governmental agency* signs.
1) Definitions: there are 15 existing sign type definitions added, three new sign term definitions added, two sign definitions strengthened, and one existing sign type renamed and further strengthened.
2) Section 53-10. *Permitted Signs*, is renamed to "Allowed Signs" and reorganized the sign types in those that require a permit and those that do not require a permit. The majority of temporary signs do not require a sign permit.
3) Provided for a maximum sign area for nonresidential temporary real estate sign to 32 square feet.
4) Sign Districts A and B including properties in the ETJ, not just in the City Limits. Under the current regulations a smaller sign would be permitted for properties in the ETJ along State Highway 288 compared to those in the City Limits.
5) Spacing requirements for monument signs in Districts C and D similar to those spacing requirements in Districts A and B.
6) Section 53-18, *Religious institution, private school, or governmental agency* was removed so equal sign area treatment can be provided for any business regardless of use.

The City Council met on November 7, 2022, to hear the first reading of Ordinance No. 2022-O-30. The City Council discussed larger temporary real estate signs for residential properties on major highways due to visibility. The first reading was approved by a vote of 6 to 1 with a revision made to the ordinance for such language. Staff has provided verbiage in the Ordinance whereby, "temporary real estate signs not exceeding 32 square feet in area are allowed in residential districts and/or uses for properties fronting on a major thoroughfare, parkway, arterial, or collector as identified in the city's thoroughfare plan, as amended from time to time."

RECOMMENDATION: Staff recommends approval of Ordinance No. 2022-O-30, Chapter 53, *Signs*, of the *Manvel Code of Ordinances*, amendment.

ATTACHMENTS: Ordinance No. 2022-O-30 (Revised), Chapter 53, *Signs* (existing version), Chapter 53, *Signs* (redline version)

FUNDING ISSUES

_X_ Not applicable
___ Not budgeted
___ Full amount already budgeted
___ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER Jessica Rodriguez	FINANCE DIRECTOR APPROVAL _____ CITY MANAGER APPROVAL _____

ORDINANCE NO. 2022-O-30

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 53. "SIGNS" BY REVISING THE REGULATIONS PERTAINING TO SIGNS WITHIN THE CITY OF MANVEL AND EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * * *

WHEREAS, the City of Manvel, Texas, deems it in the best interest of the health, safety and welfare of its citizens to amend the regulations pertaining to signs within the City of Manvel and its extraterritorial jurisdiction;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The Code of Ordinances of the City of Manvel, Texas is hereby amended by amending Chapter 53. "Signs", to read and provide as follows:

"CHAPTER 53. SIGNS

Sec. 53-1. Purpose.

The purpose of this chapter is to establish reasonable regulations for the design, construction, installation, and maintenance of all exterior signs within the city and its extraterritorial jurisdiction in order to:

(1) Balance the right of individuals to identify their businesses and convey their messages and the right of the public to be protected against the unrestricted proliferation of signs;

(2) Further the objectives of the city's comprehensive plan;

(3) Protect the public health, safety, and welfare of the citizens of the city;

(4) Reduce traffic hazards;

(5) Facilitate the creation of an attractive and harmonious community;

(6) Protect property values;

(7) Promote economic development; and

(8) Preserve the right of free speech exercised through the use of signs containing non-commercial messages.

Sec. 53-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any sign which does not display any advertisement, copy or message or any sign which identifies or advertises a business, lessor, service, owner, product, or activity, which is no longer available at the indicated location or no longer available on the premises for which no legal owner can be found.

Advertising means to seek the attraction of or to direct the attention of the public to any goods, services, business, activity, or merchandise of any kind or type.

Amateur ball park signs means those signs constructed, attached, hung, placed, suspended, affixed, or painted upon a structure in an amateur ball park which seek the attention of or direct the attention of patrons of the ball park to any goods, services, business, activities, or merchandise of any kind or type.

Attention-getting device sign means devices that are erected, placed, or maintained outdoors so as to attract attention to any business, or any goods, products, or services available on the premises of a business, including but not limited to the following items or devices: banners, cut out figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects or inflatable characters, including balloons; air animated objects, non-governmental flags; pennants; propellers; steam or smoke-producing devices; streamers, whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices or items, and of which are located or employed in connection with the conduct of business.

Banner sign means a type of temporary sign that is made or composed of a flexible piece of fabric, plastic, canvass, vinyl, paper, or another non-rigid material that does not include any enclosing framework and which is commonly mounted to a building, structure, fence, railing, or wall with rope, or mounted to the ground with stakes.

Billboard or *billboard sign* means an off-premises sign.

Business establishment means any property, building, or structure, permanent or temporary, used for the purpose of conducting in said building or structure, or on said property, a commercial enterprise in compliance with all ordinances and regulations of the city governing such activity. The term "business establishment" shall not include any property, building, or structure used for the primary purpose of securing a permit to erect a sign.

Business purposes means the erection or use of any property, building, or structure, permanent or temporary, used for the purpose of conducting in said building or structure, or on said property, a commercial enterprise in compliance with all ordinances and regulations of the city governing such activity. The term "business purpose" shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign.

Community event sign means a temporary sign advertising special community events or other community activities sponsored by nonprofit organizations, governmental entities, or churches.

Construction sign means a temporary sign identifying the architect, engineer, developer or contractor located on an active construction site.

Damaged sign means a sign where elements of the sign face or structure are visibly cracked, corroded, bent, broken, torn, or dented, or where the message can no longer be read under normal viewing conditions.

Directional or Information sign means any attached or freestanding sign on premise sign giving directions, instructions, or facility information, i.e., entrance or exit signs, one-way location of parking, etc. which may contain the name or logo of an establishment but no other advertising copy.

Double-faced sign means any sign with sign area on two faces that are back to back, facing in opposite directions.

Column sign means any sign supported by two or more columns, uprights, or braces anchored in or on the ground and not attached to any building.

Electronic changeable message sign means an electronic sign or portion of a sign that uses Light Emitting Diode (LED) technology to form a sign message or messages in text form, with or without fixed images, wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes [~~any sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means~~].

Erect means to build, construct, attach, hang, place, suspend, affix, or paint a sign.

Facing or *surface* means the surface of the sign upon, against, or through which a message is displayed or illustrated.

Flag means any government or governmental agency or any patriotic, religious, charitable, civic, educational, or fraternal organization.

Flashing sign means any directly or indirectly illuminated sign which contains an intermittent flashing light source. This does not include electronic changeable message or time/temperature signs.

Hand-held signs means a sign that is hand-carried by an individual.

Historical sign means a sign designated in a historic district or a building that has been designated a landmark.

Home business sign means any unlighted sign not over two square feet in area attached flat against the dwelling and displaying only the occupants name and/or address and/or occupation.

Illuminated sign means any sign that has characters, letters, fixtures, designs, or outlines illuminated externally by electric lights or internally by luminous tubes or other internal illumination device.

Incombustible material means any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Memorial or Commemorative plaque/tablet means an historical sign affixed to a wall denoting a building name and/or date of erection.

Menu board sign means a sign erected in conjunction with a use that incorporates a drive-thru or drive in generally used to provide service or product options and pricing for customers in a vehicle.

Monument sign means any sign mounted on the ground or supported by one or more columns, uprights, or braces anchored in the ground, but not elevated above the ground by any device that holds the sign off the ground and not attached to any building, including reader panels. A message board or electronically displayed date, time, and temperature may not occupy more than 24 square feet of the area of sign face.

Multifamily dwelling complex means a townhouse, condominium, or apartment complex of one or more buildings or portions thereof located on a single tract of land which contain three or more separate dwelling units which share means of egress and other essential facilities.

Off-premises sign means any sign advertising a business, person, activity, goods, products, or services not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.

On-premises sign means any sign identifying or advertising the person, activity, goods, business, products, or services primarily sold or offered for sale on the premises or property where the sign is installed and maintained when such premise is used for business purposes.

Permittee means a person receiving a sign permit pursuant to the provisions of this chapter.

Person means an individual, company, corporation, partnership, association, or any other entity.

Pole sign means any sign supported by only one column, pole, upright, or brace anchored in or on the ground and not attached to any building.

Portable sign means any sign designed or constructed to be easily moved from one location to another and which is mounted upon or designed to be mounted upon a wheeled carrier or other framed structure.

Public service sign means a sign that provides a service or message to the public, such as time, temperature, and charity appeals.

Residential purposes means property devoted to use as a single-family or multifamily residence. Residential purposes shall include, but not be limited to, property used for houses, apartments, duplexes, condominiums, townhouses, townhomes, and patio homes; property used for hotels, motels, and boardinghouses shall not be considered as used for residential purposes.

Right-of-way means that property or right-of-way owned by the city, county, or state and used for the purposes of roads, highways, drainage, and public utilities.

Shopping center or *integrated business development* means a commercial development, such as a strip center, mall, multitenant office building, commercial center, or industrial complex, in which two or more separate businesses occupy a single or multiple structure which share on-site parking facilities and common driveways.

Sign means any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), [~~illustration,~~] emblem (including device, symbol, or trademark), flag (including banner or pennant), symbol, design, or any other figure of similar character which is a structure or a part thereof, or is attached to, painted on, or in any manner represented on a building or other structure, is placed out of doors in view of the general public from public rights-of-ways or abutting property, and is used for purposes of advertisement,

announcement, declaration, demonstration, display, identification, direct attention or expression. The term "sign" shall include the sign structure.

Sign administrator means the director of development services or his/her designee [~~city building official~~].

Sign area means the entire advertising area of a sign, excluding any framing, trim or molding and the supporting structure, with wording in either permanent or removable letter form. This definition also includes the LED portion of an electronic changeable message sign.

Sign permit means a permit issued by the city to erect a sign. Additionally, a sign permit refers to the continuing authorization by the city for the permit holder to maintain and operate a sign within the city while such sign conforms with the provisions of this chapter.

Sight distance triangle means the triangle formed on any corner lot measured from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. Except for single-family residential accessways, a sight triangle at the intersection of a public street and a private access way shall have sides of 15 feet along the accessway and 25 feet along the public street. In order to minimize sight obstructions, no parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance triangle so as not to impede vision between a height of two feet six inches, and ten feet above the center line grades of the intersecting streets and/or drives.

Sign structure means any structure, device, or system, which supports or is capable of supporting a sign.

Snipe signs or *bandit signs* means signs which are tacked, nailed, posted, pasted, glued, or otherwise attached to stakes, utility poles, or other like objects, the advertising on which is not applicable to the premises or property on which it is located.

Temporary business sign means any sign, banner, pennant, or other advertising display constructed of cloth, canvas, light fabric, cardboard, or other light materials, with or without frames, with or without words, intended to be displayed for a limited period of time on the property of the business.

Temporary garage or yard sale sign means a temporary sign advertising the date, time and location of a garage or yard sale.

Temporary political sign means a temporary, portable sign concerning candidates for public office and ballot issues for an election or referendum.

Temporary real estate sign means a temporary sign that advertises the sale, rental, or lease of the premises upon which the sign is located.

Wall sign means any sign mounted parallel to a wall of any building extending 18 inches or less horizontally from the structure to which it is affixed.

Window sign means a temporary business sign placed on, affixed to, painted on or located within the frame of a transparent opening in the wall of a building.

[~~*Wind device sign* means any flag, banner, pennant, streamer, balloon, or similar sign made of cloth, canvass, plastic, or other flexible material, with or without a frame or other supporting structure, that moves or is designed or intended to move or blow in the wind.]~~

Sec. 53-3. Sign districts.

There are hereby created the following sign districts:

(1) *Sign district A.* Sign district A shall include all property located in the city limits and extra territorial jurisdiction (unless prohibited or restricted by Local Government Code § 216.902) within 200 feet of the right-of-way of State Highway 288 and its frontage roads.

(2) *Sign district B.* Sign district B shall include all property located in the city limits with frontage on State Highway 6 zoned [~~within the city's~~] light commercial (LC [~~and LC-SUP~~]), heavy commercial (HC [~~and HC-SUP~~]), highway mixed use (HMU [~~and HMU-SUP~~]) and PUD districts as defined by the city's zoning ordinance, located with frontage on State Highway 6 in the city's extra territorial jurisdiction (unless prohibited or restricted by Local Government Code § 216.902), and is not located within sign district A.

(3) *Sign district C.* Sign district C shall include all property in the city limits that is not located within sign district A or sign district B.

(4) *Sign district D.* Sign district D shall include all property within the city's extraterritorial jurisdiction unless prohibited or restricted by Local Government Code § 216.902 not located in sign district A, sign district B, or sign district C.

Sec. 53-4. Permit required.

Except as provided in section 53-10 (1), it shall be unlawful for any person to erect, relocate, or structurally alter, any sign or other advertising structure as defined in section 53-2, without first obtaining a sign permit from the sign administrator and paying the permit fee required by section 53-7. No permit is required for change of copy or message or for repair, repainting, or maintenance that does not entail structural change.

Sec. 53-5. Application for sign permit.

An application for a sign permit shall be made upon a form provided by the sign administrator and shall contain and have attached the following information:

(1) The name, address, email address, and telephone number of the applicant;

(2) The location of the building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected;

(3) A site plan illustrating [~~The location of the sign or other advertising structure in relation to nearby~~] buildings, structures, and/or rights-of-way, sidewalks and driveways;

(4) Two [~~blueprints or~~] drawings of the plans and specifications of the sign and a description of the proposed method of construction and attachment to the building or on the ground;

(5) A certification and/or calculations showing that the sign is designed to meet the wind pressure and dead load requirements of the International Building Code and all other laws and ordinances of the city. The building official may require such certification and calculation to be made by a registered professional engineer if the sign is in excess of six feet in height or 50 square feet in area.

(6) The name of the person erecting the sign;

(7) The written consent of the owner of the building, structure, or land to which or on which the sign is to be erected if the owner of such property is different from applicant;

(8) Any required electrical permit; and

(9) Such other information as the sign administrator shall require to show full compliance with this and all other laws and ordinances of the city.

Sec. 53-6. Permit issuance.

Upon the filing of an application for a sign permit, the sign administrator shall:

(1) Examine the plans and specifications and the premises upon which the proposed sign shall be erected; and

(2) Issue a permit if the proposed sign complies with the requirements of this chapter and all other laws and ordinances of the city. If the work authorized under a sign permit is not completed within six months after the date of issuance, the permit shall become null and void.

Sec. 53-7. Permit fee.

Every applicant, prior to issuance of a permit pursuant to section 53-6, shall pay to the city a nonrefundable fee. Such fees shall be adopted by resolution and may be revised as often as the city council deems necessary.

Sec. 53-8. Revocation of permit.

The sign administrator may revoke any permit where there has been a violation of the provisions of this chapter or a misrepresentation of fact on the permit application.

Sec. 53-9. Number, date, and voltage.

(a) Every permitted sign or other advertising structure shall display in a conspicuous place on such sign or structure, in letters no less than one inch in height, the date of erection, the permit number, and the voltage of any electrical apparatus used.

(b) The top of all signs and sign structures shall have a minimum vertical clearance from any other structure of 14 feet, and shall have a clearance equal to its height from any transmission line carrying 750 volts or greater.

Sec. 53-10. Allowed signs.

(1) The following signs are allowed in all districts and do not require a permit:

(a) Temporary Real Estate Signs. Temporary real estate signs advertise the sale, rental, or lease of the premises upon which the sign is located.

i. Nonresidential Districts and/or Uses. Temporary real estate signs not exceeding 32 square feet in area are permitted in nonresidential districts.

ii. Residential Districts and/or Uses. Temporary real estate signs not exceeding 16 square feet in area in residential districts and/or residential uses. Temporary real estate signs not exceeding 32 square feet in area are allowed in residential districts and/or uses for properties fronting on a major thoroughfare, parkway, arterial, or collector as identified in the city's thoroughfare plan, as amended from time to time.

iii. All temporary real estate signs shall be removed not later than ten days following the sale, rental, or lease of the subject property.

iv. All temporary real estate signs shall only be located on private property;

(b) Temporary Political Signs. Temporary political signs concerning candidates for public office and ballot issues, if the sign does not have an effective area greater than 36 feet, is not more than eight feet high, is not illuminated, and has no moving parts. Such signs shall be erected not more than 30 days preceding the first day early voting commences for the election or referendum to which they pertain and removed not later than ten days after the date of the election or referendum. Political signs for candidates who are in a run-off shall be allowed to remain until ten days after their run-off election. Such signs shall only be located on private property;

(c) Temporary Garage or Yard Sale Signs. Temporary signs advertising the date, time, and location of a garage or yard sale and not exceeding four square feet in area. Such signs shall be erected not more than three days prior to and removed not later than one day after the date of the sale;

(d) Vehicular and Pedestrian Signs. Public signs regulating vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospitals, historical sites, or public facilities;

(e) Flags. Flags of any government or governmental agency or any patriotic, religious, charitable, civic, educational, or fraternal organization and not exceeding 40 square feet in area;

(f) Temporary Displays and Decorations. Temporary displays or decorations customarily associated with any national, state, local, or religious holiday or celebration. Such signs shall be erected not more than 45 days before the holiday or celebration and removed not later than ten days after such holiday or celebration;

(g) Hand-Held Signs. Hand-held signs of a noncommercial nature not set on or affixed to the ground and not exceeding ten square feet in area;

(h) Temporary Contractor Signs. Temporary signs identifying the architect, engineer, developer or contractor when placed upon construction sites and not exceeding 64 square feet in area and one per site location. Such signs shall not be erected prior to approval of a site plan and shall be removed not later than ten days after completion of the project;

(i) Memorial or Commemorative Signs. Memorial or commemorative plaques or tablets denoting a building name and/or date of erection or a location of historic significance and not exceeding four square feet in area;

(j) Informational Signs. Any sign for informational (non-advertisement) purposes not exceeding one square foot in area with letters not exceeding four inches in height;

(k) Property Identification Signs. Property identification signs indicating address and/or name and not exceeding two square feet in area located on property used for residential purposes or five square feet in area located on property used for business purposes; and

(l) Signs within a ball park or other similar recreational facility and which cannot be seen from an adjacent street or adjacent properties;

(2) The following signs are allowed in all districts and require a permit:

(a) Historical Signs. Signs which are an integral part of the historical character of a designated historic district or a building that has been designated a landmark;

(b) Community Event Signs. Temporary signs advertising special community events or other community activities sponsored by nonprofit organizations, governmental entities, or churches. Such signs shall not exceed 32 square feet in area, shall not be erected more than 30 days in advance of the event and shall be removed within ten days after such event. Temporary signs shall be securely anchored and shall not exceed seven feet in height from ground level;

(c) Occupation Signs. Signs identifying the name and profession of the occupant of a business establishment and not exceeding two square feet in area;

(d) Temporary Business Signs. Temporary business signs shall be permitted provided, that:

i. Temporary business signs of combustible material shall not exceed 60 square feet in area;

ii. Temporary business signs weighing in excess of 50 pounds must conform to the safety requirements of the building code of the city and must be approved by the sign administrator;

iii. Temporary business signs shall not extend over or into any street right-of-way, alley, sidewalk, or other public thoroughfare;

iv. Temporary business signs shall be attached with wire or steel cables. Strings, ropes, or wood slats for anchorage or support purposes shall not be permitted;

v. Temporary business signs shall not be allowed to remain for a period exceeding 15 days in a six-month period;

vi. Temporary business signs must be on-premise signs; and

vii. Only one temporary business sign may be displayed at any given time.

(e) Governmental Entity Signs. Signs erected by the city, the state (including its political subdivisions, such as school districts), or the United States government, or otherwise required by federal, state, or local laws;

(f) Directional or Informational Signs. Directional or informational signs shall be no more than four feet in height with a maximum area per side of six square feet;

(g) Electronic Changeable Message Signs. An electronic changeable message sign may be allowed, provided that:

i. The size of the changeable area is no larger than 25 percent of the overall permitted sign.

ii. a. For sign districts A and B, the message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling; and the sign does not conflict with section 53-11(9); or

b. For sign districts C and D, the message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling; and the sign does not conflict with section 53-11(9).

iii. No internal or external illumination of the LED screens will be allowed to operate between the hours of 10:00 p.m. and 6:00 a.m. when located within 100 feet from a residential zoning district (measured from lot line to lot line).

iv. Maximum illumination will be determined by the difference between ambient light and full wattage and this difference cannot be more than .2 footcandles at 75 feet. The owner will provide annual reports certifying illumination does not exceed stated

limits and will conduct tests in response to any complaints received by the city concerning the light from the sign.

v. Maximum nit wattage is 6,500.

(h) Wall Signs. Each business establishment is allowed wall signage not exceeding the total square feet of the facade to which it is affixed:

1. 15 percent of the business frontage or a maximum 200 square feet for the side with the principal entrance;

2. Ten percent of the business frontage or a maximum 150 square feet for the side(s) fronting on a public street;

3. Ten percent of the business frontage or a maximum 150 square feet for all other sides;

4. Ten percent per side for canopies related to a business;

5. A maximum of 32 square feet for freestanding menu boards in addition to wall signs; or

6. Wall signage may not project above the lower edge of the roof line or parapet of a building.

(i) Home Business Sign. A home business sign may have one non-illuminated sign with a maximum area of two square feet; and

(j) Menu Board Sign. A menu Board sign shall be designed to be read from a distance no greater than ten feet.

(3) Notwithstanding any other provision of this chapter, any sign that may display a commercial message may also display any noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this chapter.

[~~Sec. 53-10. Permitted signs.~~

[~~The following signs are allowed in all districts and are exempt from the permit requirements of this chapter:~~

~~(1) Temporary real estate signs not exceeding 16 square feet in area that advertise the sale, rental, or lease of the premises upon which the sign is located. Such signs shall be removed not later than ten days following the sale, rental, or lease of the subject property. Such signs shall only be located on private property;~~

~~(2) Temporary political signs concerning candidates for public office and ballot issues and not exceeding 36 square feet in area. Such signs shall be erected not more than 30 days preceding the first day early voting commences for the election or referendum to which they pertain and removed not later than ten days after the date of the election or referendum. Political signs for candidates who are in a run-off shall be allowed to remain until ten days after their run-off election. Such signs shall only be located on private property;~~

~~(3) Temporary signs advertising the date, time, and location of a garage or yard sale and not exceeding four square feet in area. Such signs shall be erected not more than three days prior to and removed not later than one day after the date of the sale;~~

~~(4) Signs which are an integral part of the historical character of a designated historic district or a building that has been designated a landmark;~~

~~(5) Public signs regulating vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospitals, historical sites, or public facilities;~~

~~(6) Flags of any government or governmental agency or any patriotic, religious, charitable, civic, educational, or fraternal organization and not exceeding 40 square feet in area;~~

~~(7) Temporary signs advertising special community events or other community activities sponsored by nonprofit organizations, governmental entities, or churches. Such signs shall not exceed 32 square feet in area, shall not be erected more than 30 days in advance of the event and shall be removed within ten days after such event. Temporary signs shall be securely anchored and shall not exceed seven feet in height from ground level;~~

~~(8) Temporary displays or decorations customarily associated with any national, state, local, or religious holiday or celebration. Such signs shall be erected not more than 45 days before the holiday or celebration and removed not later than ten days after such holiday or celebration;~~

~~(9) Hand-held signs of a noncommercial nature not set on or affixed to the ground and not exceeding ten square feet in area;~~

~~(10) Temporary signs identifying the architect, engineer, developer or contractor when placed upon construction sites and not exceeding 64 square feet in area. Such signs shall not be erected prior to approval of a site plan and shall be removed not later than ten days after completion of the project;~~

~~(11) Signs identifying the name and profession of the occupant of a business establishment and not exceeding two square feet in area;~~

~~(12) Memorial or commemorative plaques or tablets denoting a building name and/or date of erection or a location of historic significance and not exceeding four square feet in area;~~

~~(13) Any sign for informational (non-advertisement) purposes not exceeding one square foot in area with letters not exceeding four inches in height;~~

~~(14) Property identification signs indicating address and/or name and not exceeding two square feet in area located on property used for residential purposes or five square feet in area located on property used for business purposes;~~

~~(15) Temporary business signs shall be permitted; provided, that:~~

~~a. Temporary business signs of combustible material shall not exceed 60 square feet in area;~~

~~b. Temporary business signs weighing in excess of 50 pounds must conform to the safety requirements of the building code of the city and must be approved by the sign administrator;~~

~~c. Temporary business signs shall not extend over or into any street right-of-way, alley, sidewalk, or other public thoroughfare;~~

~~d. Temporary business signs shall be attached with wire or steel cables. Strings, ropes, or wood slats for anchorage or support purposes shall not be permitted;~~

~~e. Temporary business signs shall not be allowed to remain for a period exceeding 15 days in a six-month period;~~

~~f. Temporary business signs must be on-premise signs; and~~

~~g. Only one temporary business sign may be displayed at any given time.~~

~~(16) Amateur ball park signs;~~

~~(17) Signs erected by the city, the state (including its political subdivisions, such as school districts), or the United States government, or otherwise required by federal, state, or local laws;~~

~~(18) Directory signs, menu boards and the like, which are designed to be read from a distance no greater than ten feet; and~~

~~(19) Notwithstanding any other provision of this chapter, any sign that may display a commercial message may also display any noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this chapter.~~

~~(20) An electronic changeable message sign may be allowed, provided that:~~

~~a. The size of the changeable area is no larger than 25 percent of the overall permitted sign.~~

~~b. i. For sign districts A and B, the message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling; and the sign does not conflict with section 53-11(9); or~~

~~ii. For sign districts C and D, the message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling; and the sign does not conflict with section 53-11(9).~~

~~c. No internal or external illumination of the LED screens will be allowed between the hours of 10:00 p.m. and 6:00 a.m.~~

~~d. Maximum illumination will be determined by the difference between ambient light and full wattage and this difference cannot be more than .2 footcandles at 75 feet. The owner will provide annual reports certifying illumination does not exceed stated limits and will conduct tests in response to any complaints received by the city concerning the light from the sign.~~

~~e. Maximum nit wattage is 6,500.~~

~~(21) Each business establishment is allowed wall signage not exceeding in total square feet of the non-fenestrated facade to which it is affixed:~~

~~20 percent for the side with the principal entrance;~~

~~15 percent for the side(s) fronting on a public street;~~

~~Ten percent for all other sides;~~

~~Ten percent per side for canopies related to a business;~~

~~A maximum of 32 square feet for freestanding menu boards in addition to wall signs;~~

~~Wall signage may not project above the lower edge of the roof line or parapet of a building.~~

~~(22) A home business may have one non-illuminated sign with a maximum area of two square feet.]~~

Sec. 53-11. Prohibited signs.

Signs prohibited in all districts by this chapter include, but are not limited to, the following:

(1) Signs which are inadequately maintained so as to show evidence of deterioration, including peeling, rust, dirt, fading, discoloration, loss of illumination, or holes. Damaged signs shall be repaired or removed within 30 days of receipt of notice from the city;

(2) Signs which advertise a business or product, which is no longer in existence. Abandoned or outdated signs shall be replaced or removed within 30 days of receipt of notice from the city;

(3) Signs which are erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape;

(4) Signs which obstruct free and clear vision at any street intersection;

(5) Signs which interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color;

(6) Signs which use the words "stop," "look," "go slow," "caution," "danger," "warning," or any other word, phrase, symbol or character in a manner that interferes with, misleads, or confuses traffic;

(7) Signs which constitute a hazard to safety or health by reason of inadequate design, construction, repair, or maintenance;

(8) Signs which are illuminated with lights that cause a glare into or upon the surrounding area or any property used for residential purposes or which distract operators of vehicles or pedestrians on a public right-of-way;

(9) Signs which contain reflectors or lights or illuminations or messages that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation;

(10) Signs which display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value;

(11) Signs which are painted on or attached to a motor vehicle used primarily for the display of such sign. This section shall not prohibit the identification of a business or its products or services on a vehicle operated and parked in a manner appropriate to the normal course of business;

(12) Signs which have visible moving, revolving, or rotating parts or visible mechanical movement of any kind, achieved by electrical or mechanical means, except for time-temperature-date signs;

(13) Signs attached to or located upon outdoor exposed amenities such as trees, street signs, utility poles, or fences, which are visible from any street;

(14) Signs which are off-premises signs;

(15) Signs or portions thereof which are located on, or project or extend over, any public right-of-way, any public sidewalk, street, alley, or other public property;

(16) Attention-getting device [~~Wind device~~] signs;

(17) Snipe signs or bandit signs except as pre-permitted between the hours of 5:00 p.m. on Friday and 7:00 a.m. on Monday, provided no such sign shall be located less than 100 feet from another such sign; and

(18) Pole signs.

Sec. 53-12. Additional signs allowed in sign district A.

Business establishments within sign district A shall be allowed signage in accordance with section 53-10 and the provisions of this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs allowed under this section.

(1) *Column signs.*

a. Each business establishment in sign district A is permitted one column sign, which shall be supported by not less than two columns, with the depth of the column not less than the depth of the sign; provided, however, that the width of the column shall not be less than three feet. The message area of such column sign shall not exceed 550 square feet in area. The height of such column shall not exceed 40 feet in height, including the supporting structure, above the surrounding finished grade level. Additionally, each monument sign shall not exceed 22 feet in width. The bottom of such sign message area shall not be less than 15 feet above the surrounding finished grade level. Such column sign shall not exceed 22 feet in width. Such column sign may have a reader panel attached to it, however, a reader panel shall be included in the calculation of total sign area. Each column sign shall be positioned perpendicular to the roadway on which the property on which the sign is located faces. The support structure shall be visibly marked if such column sign is located in a parking area. Each business establishment in sign district A with more than 200 feet of frontage on State Highway 288 or its frontage road shall be permitted one additional sign as described in this section. No single business shall exceed 20 square feet of sign space on any one column sign.

b. A column sign shall be located such that all parts of such sign are a minimum of ten feet from all property lines.

(2) *Monument signs.*

a. In lieu of, and not in addition to, a column sign, each business establishment is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

Sec. 53-13. Additional signs allowed in sign district B.

Business establishments within sign district B shall be allowed signage in accordance with section 53-10 and the provisions of this section. If, however, such business establishment is part of a shopping

center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs allowed under this section.

(1) *Column signs.* Column signs are prohibited.

(2) *Monument signs.*

a. Each business establishment with frontage on State Highway 6 is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection. In addition, monument signs in sign district B shall have a minimum distance of 200 feet between them when possible.

Sec. 53-14. Additional signs allowed in sign district C.

Business establishments within sign district C shall be allowed signage in accordance with section 53-10 and the provisions of this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs permitted under this section.

(1) *Column signs*. Column signs are prohibited.

(2) *Monument signs.*

a. Each business establishment is permitted one single or double-faced monument sign not exceeding 24 square feet in area and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to approval by the sign administrator to ensure that such location does not cause an obstruction to the view of traffic or create a hazard to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection. <u>In addition, monument signs in sign district C shall have a minimum distance of 200 feet between them when possible.</u>

Sec. 53-15. Additional signs allowed in sign district D.

Business establishments within sign district D shall be allowed signage in accordance with the provisions of section 53-10 and this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs permitted under this section.

(1) *Column signs.* Column signs are prohibited.

(2) *Monument signs.*

a. Each business establishment is permitted one single or double-faced monument sign not exceeding 24 square feet in area and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to approval by the sign administrator to ensure that such location does not cause an obstruction to the view of traffic or create a hazard to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection. In addition, monument signs in sign district D shall have a minimum distance of 200 feet between them when possible.

Sec. 53-16. Shopping center and integrated business developments.

Shopping centers and integrated business developments shall be allowed signage in accordance with section 53-10 and the provisions of this section. A permit is required for the signs allowed under this section.

(1) *Sign district A.*

a. Each shopping center or integrated business development with more than 200 feet of frontage on State Highway 288, or its frontage road is permitted one column sign not exceeding 550 square feet in area. Such column sign shall not exceed 40 feet in height, including the supporting structure, above the surrounding finished grade level. Additionally, each monument sign shall not exceed 22 feet in width. The bottom of such sign shall not be less than 15 feet above the surrounding finished grade level. Such column sign may have a reader panel attached to it, however, a reader panel shall be included in the calculation of total sign area. The support structure shall be visibly marked if such column sign is located in a parking area.

b. A column sign shall be located such that all parts of such sign are a minimum of ten feet from all property lines.

c. In lieu of a column sign, a shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level.

d. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

(2) *Sign district B.*

a. Each shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level. Additionally, each monument sign shall not exceed 22 feet in width.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

c. An additional monument sign may be permitted for each shopping center or integrated business development that is on the corner of an intersection of two public streets. One sign shall face each adjacent street. Such additional sign shall not exceed four feet in

height above the surrounding finished grade level. Such additional sign shall not exceed 16 square feet in area plus an additional five square feet for each business establishment located in such shopping center or integrated business development. The total sign area of both signs combined shall not exceed 100 square feet plus an additional five square feet for each business establishment located in such shopping center or integrated business development.

(3) *Sign district C.*

a. Each shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 24 square feet in area plus an additional three square feet in area for each business establishment located in such shopping center or integrated business development and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

c. An additional monument sign may be permitted for each shopping center or integrated business development that is on the corner of an intersection of two public streets. One sign shall face each adjacent street. Such additional sign shall not exceed four feet in height above the surrounding finished grade level. Such additional sign shall not exceed 16 square feet in area plus three square feet for each business establishment located in such shopping center or integrated business development. The total sign area of both signs combined shall not exceed 40 square feet plus an additional three square feet for each business establishment located in such shopping center or integrated business development.

(4) *Sign district D.*

a. Each shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 24 square feet in area plus an additional three square feet in area for each business establishment located in such shopping center or integrated business development and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

c. An additional monument sign may be permitted for each shopping center or integrated business development that is on the corner of an intersection of two public streets. One sign shall face each adjacent street. Such additional sign shall not exceed four feet in height above the surrounding finished grade level. Such additional sign shall not exceed 16 square feet in area plus three square feet for each business establishment located in such shopping center or integrated business development. The total sign area of both signs combined shall not exceed 40 square feet plus an additional three square feet for each business establishment located in such shopping center or integrated business development.

Sec. 53-17. Permanent identification signs.

(a) *Single-family residential subdivisions.* Single-family residential subdivisions are permitted permanent monument signs at each major entrance to the subdivision. The total sign surface area at each entrance shall not exceed 32 square feet in area and shall not exceed six feet in height above the surrounding finished grade level. The location of the monument sign shall be outside of the sight distance triangle corresponding to the nearest street intersection and is subject to approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians. Subdivisions which consist of more than one platted section are allowed an additional monument sign of not more than 16 square feet in area and not exceeding six feet in height for each major entrance to each section therein; however, in the case where the major entrance to the subdivision is also a major entrance to a section of the subdivision, that entrance shall be limited to a monument sign of not more than 32 square feet.

(b) *Multifamily dwelling complexes.* A townhouse, condominium, or apartment complex is permitted one single or double-faced monument sign on the premises, not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level. The location of the monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection. In addition to a monument sign, each multifamily dwelling complex is permitted one wall sign not exceeding in total square feet ten percent of the facade to which it is affixed. A wall sign may not project above the roof line of a building, except for buildings with parapet walls, in which case the signage shall be flush with the wall and shall not project above the parapet.

(c) *Permit required.* A permit is required for the signs allowed under this section.

[~~Sec. 53-18. Religious institution, private school, or governmental agency signs.~~

~~(a) A religious institution, private school, or governmental agency shall be allowed to erect one single or double-faced monument sign on the property on which the religious institution, school, or governmental agency is located. Such sign shall not exceed 50 square feet in area and shall not exceed 12 feet in height above the surrounding finished grade level. One additional single or double-faced monument sign is allowed to identify a secondary use (such as a school) on the same property. Such sign shall not exceed 28 square feet in area and shall not exceed eight feet in height above the surrounding finished grade level. A permit is required for the signs allowed under this section.~~

~~(b) A sign that exceeds the height and/or area requirements of this section may be permitted by the city council. Such sign must be located on property where the main structure on the property lies within 2,000 feet of the S.H. 288 right-of-way. Additionally, the sign must be approved by approval of a specific use permit. An applicant shall be required to obtain a specific use permit through the regular rezoning process and a site plan and drawings of the proposed sign shall be required.~~]

Sec. 53-18 [~~19~~]. Portable signs.

(a) *Portable signs for business establishment.* An on-premises portable sign shall be permitted for use by a business establishment for the initial opening of such business for a period not exceeding 30 days. An on-premises portable sign may also be permitted for use by a business establishment for a maximum period of 30 days per calendar year.

(b) *Portable signs for nonprofit organization.* On-premises portable signs shall be permitted for use on a temporary basis by nonprofit organizations for a maximum period of 15 days per calendar year.

(c) *Permit required.* A permit is required for any portable sign allowed under subsections (a) and (b) of this section. The location of a portable sign must be approved by the sign administrator to ensure that such location does not create hazards to traffic or pedestrians.

(d) *Maximum area.* The maximum area per side of a portable sign shall not exceed 32 square feet.

(e) *Conformance to city building code and electrical code.* Portable signs shall be securely anchored and constructed and erected in accordance with the city's building code and electrical code.

(f) *Location; property lines and intersections.* Portable signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

Sec. 53-19 [~~20~~]. Nonconforming signs.

A permanent sign erected within the city prior to the effective date of the ordinance from which this section is derived, which does not conform to the regulations of this chapter, shall be deemed to be a nonconforming sign which shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended. It is not the intent of this section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this chapter.

(1) *Obsolescence or destruction.* A nonconforming sign shall not be enlarged, expanded, extended, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.

(2) *Repair or reconstruction if damaged.* In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50 percent of the fair market value of the sign at the time of the damage, it must be removed or brought into compliance with this chapter.

(3) *Removal of unlawful signs.* In case any nonconforming sign is enlarged, expanded, extended, replaced, or rebuilt in violation of any of the terms of this chapter, the sign administrator shall give written notice by personal service or by certified mail, return receipt requested, to the owner, lessee, or person responsible for said sign, to remove the sign or bring the sign into compliance with this chapter. If such order in not complied with within ten days, the sign administrator shall revoke the sign permit.

(4) *Placement and removal of signs.* All signs shall be placed by the owner or the party in control of the property or with the permission of such owner or party in control, and the owner or party in control shall be responsible for the prompt removal of any sign in accordance with the provisions of this chapter.

(5) *Additional removal of specified signs*. Signs identified and described in section 53-11 shall be removed within 30 days after the effective date of the ordinance from which this section is derived.

(6) *Conformance*. Nonconforming temporary business signs and portable signs shall be removed or made to conform with the provisions of this chapter within 30 days after the effective date of the ordinance from which this section is derived.

Sec. 53-20 [~~21~~]. Periodic inspection.

The sign administrator shall inspect periodically, or whenever deemed necessary, each sign or other advertising structure regulated by this chapter for the purpose of ascertaining whether the sign structure is unsafe, in need of repair, not in conformance with the permit application, or otherwise in violation of the provisions of this chapter.

Sec. 53-21 [~~22~~]. Reserved.

Sec. 53-22 [~~23~~]. Penalty.

Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2,000.00. Each day of violation shall constitute a separate offense."

Section 2. **Penalty**. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2,000.00. Each day of violation shall constitute a separate offense.

Section 3. **Repealer**. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. **Severability**. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this _____ day of _____, 2022.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____, 2022.

_____
Debra Davison, Mayor

Attest:

_____
Tammy Bell, City Secretary

APPROVED AS TO FORM:

_____
Robert Gervais, City Attorney

Chapter 53 SIGNS[1]

Sec. 53-1. Purpose.

The purpose of this chapter is to establish reasonable regulations for the design, construction, installation, and maintenance of all exterior signs within the city and its extraterritorial jurisdiction in order to:

(1) Balance the right of individuals to identify their businesses and convey their messages and the right of the public to be protected against the unrestricted proliferation of signs;

(2) Further the objectives of the city's comprehensive plan;

(3) Protect the public health, safety, and welfare of the citizens of the city;

(4) Reduce traffic hazards;

(5) Facilitate the creation of an attractive and harmonious community;

(6) Protect property values;

(7) Promote economic development; and

(8) Preserve the right of free speech exercised through the use of signs containing non-commercial messages.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising means to seek the attraction of or to direct the attention of the public to any goods, services, business, activity, or merchandise of any kind or type.

Amateur ball park signs means those signs constructed, attached, hung, placed, suspended, affixed, or painted upon a structure in an amateur ball park which seek the attention of or direct the attention of patrons of the ball park to any goods, services, business, activities, or merchandise of any kind or type.

Billboard or *billboard sign* means an off-premises sign.

Business establishment means any property, building, or structure, permanent or temporary, used for the purpose of conducting in said building or structure, or on said property, a commercial enterprise in compliance with all ordinances and regulations of the city governing such activity. The term "business establishment" shall not include any property, building, or structure used for the primary purpose of securing a permit to erect a sign.

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[1]Editor's note(s)—Ord. No. 2017-O-35, § 1, adopted Nov. 6, 2017, amended Ch. 53 in its entirety to read as herein set out. Former Ch. 53, §§ 53-1—53-22, pertained to similar subject matter and derived from Ord. No. 2006-O-11, §§ 1—20, 22, 6-16-2006; Ord. No. 2015-O-13, § 2, 4-27-2015.

State law reference(s)—Municipal regulation of signs, V.T.C.A., Local Government Code § 216.003; regulations of political signs by municipality, V.T.C.A., Local Government Code § 216.903.

Abandoned Sign means any sign which does not display any advertisement, copy or message or any sign which identifies or advertises a business, lessor, service, owner, product, or activity, which is no longer available at the indicated location or no longer available on the premises for which no legal owner can be found.

Attention-Getting Device Sign means devices that are erected, placed, or maintained outdoors so as to attract attention to any business, or any goods, products, or services available on the premises of a business, including but not limited to the following items or devices: banners, cut out figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects or inflatable characters, including balloons; air animated objects, non-governmental flags; pennants; propellers; steam or smoke-producing devices; streamers, whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices or items, and of which are located or employed in connection with the conduct of business.

Banner Sign means a type of temporary sign that is made or composed of a flexible piece of fabric, plastic, canvass, vinyl, paper, or another non-rigid material that does not include any enclosing framework and which is commonly mounted to a building, structure, fence, railing, or wall with rope, or mounted to the ground with stakes.

Business purposes means the erection or use of any property, building, or structure, permanent or temporary, used for the purpose of conducting in said building or structure, or on said property, a commercial enterprise in compliance with all ordinances and regulations of the city governing such activity. The term "business purpose" shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign.

Column sign means any sign supported by two or more columns, uprights, or braces anchored in or on the ground and not attached to any building.

Community Event Sign means a temporary sign advertising special community events or other community activities sponsored by nonprofit organizations, governmental entities, or churches.

Construction Sign means a temporary sign identifying the architect, engineer, developer or contractor located on an active construction site.

Damaged Sign means a sign where elements of the sign face or structure are visibly cracked, corroded, bent, broken, torn, or dented, or where the message can no longer be read under normal viewing conditions.

Directional or Information Sign means any attached or freestanding sign on premise sign giving directions, instructions, or facility information, *i.e.*, entrance or exit signs, one-way location of parking, etc. which may contain the name or logo of an establishment but no other advertising copy.

Double-Faced Sign means any sign with sign area on two faces that are back to back, facing in opposite directions.

Electronic changeable message sign means an electronic sign or portion of a sign that uses Light Emitting Diode (LED) technology to form a sign message or messages in text form, with or without fixed images, wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes ~~any sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means~~.

Erect means to build, construct, attach, hang, place, suspend, affix, or paint a sign.

Facing or *surface* means the surface of the sign upon, against, or through which a message is displayed or illustrated.

Flag means any government or governmental agency or any patriotic, religious, charitable, civic, educational, or fraternal organization.

Flashing Sign means any directly or indirectly illuminated sign which contains an intermittent flashing light source. This does not include electronic changeable message or time/temperature signs.

Hand-Held Signs means a sign that is hand-carried by an individual.

Historical Sign means a sign designated in a historic district or a building that has been designated a landmark.

Home Business Sign means any unlighted sign not over two square feet in area attached flat against the dwelling and displaying only the occupants name and/or address and/or occupation.

Illuminated sign means any sign that has characters, letters, fixtures, designs, or outlines illuminated externally by electric lights or internally by luminous tubes or other internal illumination device.

Incombustible material means any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Memorial or Commemorative Plaque/Tablet means an historical sign affixed to a wall denoting a building name and/or date of erection.

Menu Board Sign means a sign erected in conjunction with a use that incorporates a drive-thru or drive in generally used to provide service or product options and pricing for customers in a vehicle.

Monument sign means any sign mounted on the ground or supported by one or more columns, uprights, or braces anchored in the ground, but not elevated above the ground by any device that holds the sign off the ground and not attached to any building, including reader panels. A message board or electronically displayed date, time, and temperature may not occupy more than 24 square feet of the area of sign face.

Multifamily dwelling complex means a townhouse, condominium, or apartment complex of one or more buildings or portions thereof located on a single tract of land which contain three or more separate dwelling units which share means of egress and other essential facilities.

Off-premises sign means any sign advertising a business, person, activity, goods, products, or services not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.

On-premises sign means any sign identifying or advertising the person, activity, goods, business, products, or services primarily sold or offered for sale on the premises or property where the sign is installed and maintained when such premise is used for business purposes.

Permittee means a person receiving a sign permit pursuant to the provisions of this chapter.

Person means an individual, company, corporation, partnership, association, or any other entity.

Pole sign means any sign supported by only one column, pole, upright, or brace anchored in or on the ground and not attached to any building.

Portable sign means any sign designed or constructed to be easily moved from one location to another and which is mounted upon or designed to be mounted upon a wheeled carrier or other framed structure.

Public service sign means a sign that provides a service or message to the public, such as time, temperature, and charity appeals.

Residential purposes means property devoted to use as a single-family or multifamily residence. Residential purposes shall include, but not be limited to, property used for houses, apartments, duplexes, condominiums, townhouses, townhomes, and patio homes; property used for hotels, motels, and boardinghouses shall not be considered as used for residential purposes.

Right-of-way means that property or right-of-way owned by the city, county, or state and used for the purposes of roads, highways, drainage, and public utilities.

Shopping center or *integrated business development* means a commercial development, such as a strip center, mall, multitenant office building, commercial center, or industrial complex, in which two or more separate businesses occupy a single or multiple structure which share on-site parking facilities and common driveways.

Sign means any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), ~~illustration,~~ emblem (including device, symbol, or trademark), flag (including banner or pennant), symbol, design, or any other figure of similar character which is a structure or a part thereof, or is attached to, painted on, or in any manner represented on a building or other structure, is placed out of doors in view of the general public from public rights-of-ways or abutting property, and is used for purposes of advertisement, announcement, declaration, demonstration, display, identification, direct attention or expression. The term "sign" shall include the sign structure.

Sign administrator means the director of development services or his/her designee ~~city building official~~.

Sign Area means the entire advertising area of a sign, excluding any framing, trim or molding and the supporting structure, with wording in either permanent or removable letter form. This definition also includes the LED portion of an electronic changeable message sign.

Sign permit means a permit issued by the city to erect a sign. Additionally, a sign permit refers to the continuing authorization by the city for the permit holder to maintain and operate a sign within the city while such sign conforms with the provisions of this chapter.

Sight distance triangle means the triangle formed on any corner lot measured from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. Except for single-family residential accessways, a sight triangle at the intersection of a public street and a private access way shall have sides of 15 feet along the accessway and 25 feet along the public street. In order to minimize sight obstructions, no parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance triangle so as not to impede vision between a height of two feet six inches, and ten feet above the center line grades of the intersecting streets and/or drives.

Sign structure means any structure, device, or system, which supports or is capable of supporting a sign.

Snipe signs or *bandit signs* means signs which are tacked, nailed, posted, pasted, glued, or otherwise attached to stakes, utility poles, or other like objects, the advertising on which is not applicable to the premises or property on which it is located.

Temporary business sign means any sign, banner, pennant, or other advertising display constructed of cloth, canvas, light fabric, cardboard, or other light materials, with or without frames, with or without words, intended to be displayed for a limited period of time on the property of the business.

Temporary Garage or Yard Sale Sign means a temporary sign advertising the date, time and location of a garage or yard sale.

Temporary Political Sign means a temporary, portable sign concerning candidates for public office and ballot issues for an election or referendum.

Temporary Real Estate Sign means a temporary sign that advertises the sale, rental, or lease of the premises upon which the sign is located.

Wall sign means any sign mounted parallel to a wall of any building extending 18 inches or less horizontally from the structure to which it is affixed.

Window sign means a temporary business sign placed on, affixed to, painted on or located within the frame of a transparent opening in the wall of a building.

~~*Wind device sign* means any flag, banner, pennant, streamer, balloon, or similar sign made of cloth, canvass, plastic, or other flexible material, with or without a frame or other supporting structure, that moves or is designed or intended to move or blow in the wind.~~

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-3. Sign districts.

There are hereby created the following sign districts:

(1) *Sign district A.* Sign district A shall include all property located in the city limits and extra territorial jurisdiction (unless prohibited or restricted by Local Government Code § 216.902) within 200 feet of the right-of-way of State Highway 288 and its frontage roads.

(2) *Sign district B.* Sign district B shall include all property located in the city limits with frontage on State Highway 6 zoned ~~within the city's~~ light commercial (LC ~~and LC-SUP~~), heavy commercial (HC ~~and HC-SUP~~), highway mixed use (HMU ~~and HMU-SUP~~) and PUD districts as defined by the city's zoning ordinance, located with frontage on State Highway 6 in the city's extra territorial jurisdiction (unless prohibited or restricted by Local Government Code § 216.902), and is not located within sign district A.

(3) *Sign district C.* Sign district C shall include all property in the city limits that is not located within sign district A or sign district B.

(4) *Sign district D.* Sign district D shall include all property within the city's extraterritorial jurisdiction unless prohibited or restricted by Local Government Code § 216.902 not located in sign district A, sign district B, or sign district C.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-4. Permit required.

Except as provided in section 53-10 (1), it shall be unlawful for any person to erect, relocate, or structurally alter, any sign or other advertising structure as defined in section 53-2, without first obtaining a sign permit from the sign administrator and paying the permit fee required by section 53-7. No permit is required for change of copy or message or for repair, repainting, or maintenance that does not entail structural change.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-5. Application for sign permit.

An application for a sign permit shall be made upon a form provided by the sign administrator and shall contain and have attached the following information:

(1) The name, address, email address, and telephone number of the applicant;

(2) The location of the building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected;

(3) A site plan illustrating ~~The location of the sign or other advertising structure in relation to nearby~~ buildings, structures, and/or rights-of-way, easements, sidewalks and driveways;

(4) Two ~~blueprints or~~ drawings of the plans and specifications of the sign and a description of the proposed method of construction and attachment to the building or on the ground;

(5) A certification and/or calculations showing that the sign is designed to meet the wind pressure and dead load requirements of the International Building Code and all other laws and ordinances of the city. The building official may require such certification and calculation to be made by a registered professional engineer if the sign is in excess of six feet in height or 50 square feet in area.

(6) The name of the person erecting the sign;

(7) The written consent of the owner of the building, structure, or land to which or on which the sign is to be erected if the owner of such property is different from applicant;

(8) Any required electrical permit; and

(9) Such other information as the sign administrator shall require to show full compliance with this and all other laws and ordinances of the city.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-6. Permit issuance.

Upon the filing of an application for a sign permit, the sign administrator shall:

(1) Examine the plans and specifications and the premises upon which the proposed sign shall be erected; and

(2) Issue a permit if the proposed sign complies with the requirements of this chapter and all other laws and ordinances of the city. If the work authorized under a sign permit is not completed within six months after the date of issuance, the permit shall become null and void.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-7. Permit fee.

Every applicant, prior to issuance of a permit pursuant to section 53-6, shall pay to the city a nonrefundable fee. Such fees shall be adopted by resolution and may be revised as often as the city council deems necessary.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-8. Revocation of permit.

The sign administrator may revoke any permit where there has been a violation of the provisions of this chapter or a misrepresentation of fact on the permit application.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-9. Number, date, and voltage.

(a) Every permitted sign or other advertising structure shall display in a conspicuous place on such sign or structure, in letters no less than one inch in height, the date of erection, the permit number, and the voltage of any electrical apparatus used.

(b) The top of all signs and sign structures shall have a minimum vertical clearance from any other structure of 14 feet, and shall have a clearance equal to its height from any transmission line carrying 750 volts or greater.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-10. Allowed ~~Permitted~~ signs.

(1) The following signs are allowed in all districts and do not require a permit: ~~and are exempt from the permit requirements of this chapter~~:

(~~1~~a) Temporary Real Estate Signs. Temporary real estate signs advertise the sale, rental, or lease of the premises upon which the sign is located.

(i) Nonresidential Districts and/or Uses. Temporary real estate signs not exceeding 32 square feet in area are permitted in nonresidential districts and/or uses. ~~that advertise the sale, rental, or lease of the premises upon which the sign is located. Such signs shall be removed not later than ten days following the sale, rental, or lease of the subject property. Such signs shall only be located on private property.~~

(ii) Residential Districts and/or Uses. Temporary real estate signs not exceeding 16 square feet in area are permitted in residential districts and/or residential uses. Temporary real estate signs not exceeding 32 square feet in area are allowed in residential districts and/or uses for properties fronting on a Major Thoroughfare, Parkway, Arterial, or Collector as identified in the City's Thoroughfare Plan, as amended from time to time.

(iii) All temporary real estate signs shall be removed no later than ten days following the sale, rental, or lease of the subject property.

(iv) All temporary real estate signs shall be located on private property;

(~~2~~b) Temporary Political Signs. Temporary political signs concerning candidates for public office and ballot issues, if the sign does not have an effective area greater than ~~and not exceeding~~ 36 square feet, is not more than eight feet high, is not illuminated, and has no moving parts ~~in area~~. Such signs shall be erected not more than 30 days preceding the first day early voting commences for the election or referendum to which they pertain and removed not later than ten days after the date of the election or referendum. Political signs for candidates who are in a run-off shall be allowed to remain until ten days after their run-off election. Such signs shall only be located on private property;

(~~3~~c) Temporary Garage or Yard Sale Signs. Temporary signs advertising the date, time, and location of a garage or yard sale and not exceeding four square feet in area. Such signs shall be erected not more than three days prior to and removed not later than one day after the date of the sale;

~~(4) Signs which are an integral part of the historical character of a designated historic district or a building that has been designated a landmark;~~

(~~5~~d) Vehicular and Pedestrian Signs. Public signs regulating vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospitals, historical sites, or public facilities;

(~~6~~e) Flags. Flags of any government or governmental agency or any patriotic, religious, charitable, civic, educational, or fraternal organization and not exceeding 40 square feet in area;

~~(7) Temporary signs advertising special community events or other community activities sponsored by nonprofit organizations, governmental entities, or churches. Such signs shall not exceed 32 square feet in area, shall not be erected more than 30 days in advance of the event and shall be removed within ten days after such event. Temporary signs shall be securely anchored and shall not exceed seven feet in height from ground level;~~

(~~8~~f) Temporary Displays and Decorations. Temporary displays or decorations customarily associated with any national, state, local, or religious holiday or celebration. Such signs shall be erected not more than

45 days before the holiday or celebration and removed not later than ten days after such holiday or celebration;

(~~9~~g) Hand-Held Signs. Hand-held signs of a noncommercial nature not set on or affixed to the ground and not exceeding ten square feet in area;

(~~10~~h) Temporary Contractor Signs. Temporary signs identifying the architect, engineer, developer or contractor when placed upon construction sites and not exceeding 64 square feet in area and one per site location. Such signs shall not be erected prior to approval of a site plan and shall be removed not later than ten days after completion of the project;

~~(11) Signs identifying the name and profession of the occupant of a business establishment and not exceeding two square feet in area;~~

(~~12~~i) Memorial or Commemorative Signs. Memorial or commemorative plaques or tablets denoting a building name and/or date of erection or a location of historic significance and not exceeding four square feet in area;

(~~13~~j) Informational Signs. Any sign for informational (non-advertisement) purposes not exceeding one square foot in area with letters not exceeding four inches in height;

(~~14~~k) Property Identification Signs. Property identification signs indicating address and/or name and not exceeding two square feet in area located on property used for residential purposes or five square feet in area located on property used for business purposes;

~~(15) Temporary business signs shall be permitted; provided, that:~~

~~a. Temporary business signs of combustible material shall not exceed 60 square feet in area;~~

~~b. Temporary business signs weighing in excess of 50 pounds must conform to the safety requirements of the building code of the city and must be approved by the sign administrator;~~

~~c. Temporary business signs shall not extend over or into any street right-of-way, alley, sidewalk, or other public thoroughfare;~~

~~d. Temporary business signs shall be attached with wire or steel cables. Strings, ropes, or wood slats for anchorage or support purposes shall not be permitted;~~

~~e. Temporary business signs shall not be allowed to remain for a period exceeding 15 days in a six-month period;~~

~~f. Temporary business signs must be on-premise signs; and~~

~~g. Only one temporary business sign may be displayed at any given time.~~

(~~16~~l) ~~Amateur ball park signs;~~ Signs within a ball park or other similar recreational facility and which cannot be seen from an adjacent street or adjacent properties;

~~(17) Signs erected by the city, the state (including its political subdivisions, such as school districts), or the United States government, or otherwise required by federal, state, or local laws;~~

~~(18) Directory signs, menu boards and the like, which are designed to be read from a distance no greater than ten feet; and~~

~~(19) Notwithstanding any other provision of this chapter, any sign that may display a commercial message may also display any noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this chapter.~~

~~(20) An electronic changeable message sign may be allowed, provided that:~~

~~a. The size of the changeable area is no larger than 25 percent of the overall permitted sign.~~

~~b. i. For sign districts A and B, the message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling; and the sign does not conflict with section 53-11(9); or~~

~~ii. For sign districts C and D, the message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling; and the sign does not conflict with section 53-11(9).~~

~~c. No internal or external illumination of the LED screens will be allowed between the hours of 10:00 p.m. and 6:00 a.m.~~

~~d. Maximum illumination will be determined by the difference between ambient light and full wattage and this difference cannot be more than .2 footcandles at 75 feet. The owner will provide annual reports certifying illumination does not exceed stated limits and will conduct tests in response to any complaints received by the city concerning the light from the sign.~~

~~e. Maximum nit wattage is 6,500.~~

~~(21) Each business establishment is allowed wall signage not exceeding in total square feet of the non-fenestrated facade to which it is affixed:~~

~~20 percent for the side with the principal entrance;~~

~~15 percent for the side(s) fronting on a public street;~~

~~Ten percent for all other sides;~~

~~Ten percent per side for canopies related to a business;~~

~~A maximum of 32 square feet for freestanding menu boards in addition to wall signs;~~

~~Wall signage may not project above the lower edge of the roof line or parapet of a building.~~

~~(22) A home business may have one non-illuminated sign with a maximum area of two square feet.~~

(2) The following signs are allowed in all districts and require a permit:

(a) Historical Signs. Signs which are an integral part of the historical character of a designated historic district or a building that has been designated a landmark;

(b) Community Event Signs. Temporary signs advertising special community events or other community activities sponsored by nonprofit organizations, governmental entities, or churches. Such signs shall not exceed 32 square feet in area, shall not be erected more than 30 days in advance of the event and shall be removed within ten days after such event. Temporary signs shall be securely anchored and shall not exceed seven feet in height from ground level;

(c) Occupation Signs. Signs identifying the name and profession of the occupant of a business establishment and not exceeding two square feet in area;

(d) Temporary Business Signs. Temporary business signs shall be permitted provided, that:

i. Temporary business signs of combustible material shall not exceed 60 square feet in area;

ii. Temporary business signs weighing in excess of 50 pounds must conform to the safety requirements of the building code of the city and must be approved by the sign administrator;

iii. Temporary business signs shall not extend over or into any street right-of-way, alley, sidewalk, or other public thoroughfare;

iv. Temporary business signs shall be attached with wire or steel cables. Strings, ropes, or wood slats for anchorage or support purposes shall not be permitted;

v. Temporary business signs shall not be allowed to remain for a period exceeding 15 days in a six-month period;

vi. Temporary business signs must be on-premise signs; and

vii. Only one temporary business sign may be displayed at any given time.

(e) Governmental Entity Signs. Signs erected by the city, the state (including its political subdivisions, such as school districts), or the United States government, or otherwise required by federal, state, or local laws;

(f) Directional or Informational Signs. Directional or informational signs shall be no more than four feet in height with a maximum area per side of six square feet;

(g) Electronic Changeable Message Signs. An electronic changeable message sign may be allowed, provided that:

i. The size of the changeable area is no larger than 25 percent of the overall permitted sign.

ii. a. For sign districts A and B, the message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling; and the sign does not conflict with section 53-11(9); or

b. For sign districts C and D, the message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling; and the sign does not conflict with section 53-11(9).

iii. No internal or external illumination of the LED screens will be allowed to operate between the hours of 10:00 p.m. and 6:00 a.m. when located within 100 feet from a residential zoning district (when measured from lot line to lot line).

iv. Maximum illumination will be determined by the difference between ambient light and full wattage and this difference cannot be more than .2 footcandles at 75 feet. The owner will provide annual reports certifying illumination does not exceed stated limits and will conduct tests in response to any complaints received by the city concerning the light from the sign.

v. Maximum nit wattage is 6,500.

(h) Wall Signs. Each business establishment is allowed wall signage not exceeding the total square feet of the facade to which it is affixed:

1. 15 percent of the business frontage or a maximum 200 square feet for the side with the principal entrance;

2. Ten percent of the business frontage or a maximum 150 square feet for the side(s) fronting on a public street;

3. Ten percent of the business frontage or a maximum 150 square feet for all other sides;

4. Ten percent per side for canopies related to a business;

5. A maximum of 32 square feet for freestanding menu boards in addition to wall signs; or

6. Wall signage may not project above the lower edge of the roof line or parapet of a building.

(i) Home Business Sign. A home business sign may have one non-illuminated sign with a maximum area of two square feet; and

(j) Menu Board Sign. A menu Board sign shall be designed to be read from a distance no greater than ten feet.

(3) Notwithstanding any other provision of this chapter, any sign that may display a commercial message may also display any noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this chapter.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-11. Prohibited signs.

Signs prohibited in all districts by this chapter include, but are not limited to, the following:

(1) Signs which are inadequately maintained so as to show evidence of deterioration, including peeling, rust, dirt, fading, discoloration, loss of illumination, or holes. Damaged signs shall be repaired or removed within 30 days of receipt of notice from the city;

(2) Signs which advertise a business or product, which is no longer in existence. Abandoned or outdated signs shall be replaced or removed within 30 days of receipt of notice from the city;

(3) Signs which are erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape;

(4) Signs which obstruct free and clear vision at any street intersection;

(5) Signs which interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color;

(6) Signs which use the words "stop," "look," "go slow," "caution," "danger," "warning," or any other word, phrase, symbol or character in a manner that interferes with, misleads, or confuses traffic;

(7) Signs which constitute a hazard to safety or health by reason of inadequate design, construction, repair, or maintenance;

(8) Signs which are illuminated with lights that cause a glare into or upon the surrounding area or any property used for residential purposes or which distract operators of vehicles or pedestrians on a public right-of-way;

(9) Signs which contain reflectors or lights or illuminations or messages that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation;

(10) Signs which display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value;

(11) Signs which are painted on or attached to a motor vehicle used primarily for the display of such sign. This section shall not prohibit the identification of a business or its products or services on a vehicle operated and parked in a manner appropriate to the normal course of business;

(12) Signs which have visible moving, revolving, or rotating parts or visible mechanical movement of any kind, achieved by electrical or mechanical means, except for time-temperature-date signs;

(13) Signs attached to or located upon outdoor exposed amenities such as trees, street signs, utility poles, or fences, which are visible from any street;

(14) Signs which are off-premises signs;

(15) Signs or portions thereof which are located on, or project or extend over, any public right-of-way, any public sidewalk, street, alley, or other public property;

(16) Attention-getting device ~~Wind device~~ signs;

(17) Snipe signs or bandit signs except as pre-permitted between the hours of 5:00 p.m. on Friday and 7:00 a.m. on Monday, provided no such sign shall be located less than 100 feet from another such sign; and

(18) Pole signs.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-12. Additional signs allowed in sign district A.

Business establishments within sign district A shall be allowed signage in accordance with section 53-10 and the provisions of this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs allowed under this section.

(1) *Column signs.*

a. Each business establishment in sign district A is permitted one column sign, which shall be supported by not less than two columns, with the depth of the column not less than the depth of the sign; provided, however, that the width of the column shall not be less than three feet. The message area of such column sign shall not exceed 550 square feet in area. The height of such column shall not exceed 40 feet in height, including the supporting structure, above the surrounding finished grade level. Additionally, each monument sign shall not exceed 22 feet in width. The bottom of such sign message area shall not be less than 15 feet above the surrounding finished grade level. Such column sign shall not exceed 22 feet in width. Such column sign may have a reader panel attached to it, however, a reader panel shall be included in the calculation of total sign area. Each column sign shall be positioned perpendicular to the roadway on which the property on which the sign is located faces. The support structure shall be visibly marked if such column sign is located in a parking area. Each business establishment in sign district A with more than 200 feet of frontage on State Highway 288 or its frontage road shall be permitted one additional sign as described in this section. No single business shall exceed 20 square feet of sign space on any one column sign.

b. A column sign shall be located such that all parts of such sign are a minimum of ten feet from all property lines.

(2) *Monument signs.*

a. In lieu of, and not in addition to, a column sign, each business establishment is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-13. Additional signs allowed in sign district B.

Business establishments within sign district B shall be allowed signage in accordance with section 53-10 and the provisions of this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs allowed under this section.

(1) *Column signs.* Column signs are prohibited.

(2) *Monument signs.*

a. Each business establishment with frontage on State Highway 6 is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection. In addition, monument signs in sign district B shall have a minimum distance of 200 feet between them when possible.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-14. Additional signs allowed in sign district C.

Business establishments within sign district C shall be allowed signage in accordance with section 53-10 and the provisions of this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs permitted under this section.

(1) *Column signs*. Column signs are prohibited.

(2) *Monument signs.*

a. Each business establishment is permitted one single or double-faced monument sign not exceeding 24 square feet in area and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to approval by the sign administrator to ensure that such location does not cause an obstruction to the view of traffic or create a hazard to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection. In addition, monument signs in sign district C shall have a minimum distance of 200 feet between them when possible.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-15. Additional signs allowed in sign district D.

Business establishments within sign district D shall be allowed signage in accordance with the provisions of section 53-10 and this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs permitted under this section.

(1) *Column signs.* Column signs are prohibited.

(2) *Monument signs.*

a. Each business establishment is permitted one single or double-faced monument sign not exceeding 24 square feet in area and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to approval by the sign administrator to ensure that such location does not cause an obstruction to the view of traffic or create a hazard to traffic or

pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection. In addition, monument signs in sign district D shall have a minimum distance of 200 feet between them when possible.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-16. Shopping center and integrated business developments.

Shopping centers and integrated business developments shall be allowed signage in accordance with section 53-10 and the provisions of this section. A permit is required for the signs allowed under this section.

(1) *Sign district A.*

a. Each shopping center or integrated business development with more than 200 feet of frontage on State Highway 288, or its frontage road is permitted one column sign not exceeding 550 square feet in area. Such column sign shall not exceed 40 feet in height, including the supporting structure, above the surrounding finished grade level. Additionally, each monument sign shall not exceed 22 feet in width. The bottom of such sign shall not be less than 15 feet above the surrounding finished grade level. Such column sign may have a reader panel attached to it, however, a reader panel shall be included in the calculation of total sign area. The support structure shall be visibly marked if such column sign is located in a parking area.

b. A column sign shall be located such that all parts of such sign are a minimum of ten feet from all property lines.

c. In lieu of a column sign, a shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level.

d. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

(2) *Sign district B.*

a. Each shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level. Additionally, each monument sign shall not exceed 22 feet in width.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

c. An additional monument sign may be permitted for each shopping center or integrated business development that is on the corner of an intersection of two public streets. One sign shall face each adjacent street. Such additional sign shall not exceed four feet in height above the surrounding finished grade level. Such additional sign shall not exceed 16 square feet in area plus an additional five square feet for each business establishment located in such shopping center or integrated business development. The total sign area of both signs combined shall not exceed 100 square feet plus an additional five square feet for each business establishment located in such shopping center or integrated business development.

(3) *Sign district C.*

a. Each shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 24 square feet in area plus an additional three square feet in area for each business establishment located in such shopping center or integrated business development and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

c. An additional monument sign may be permitted for each shopping center or integrated business development that is on the corner of an intersection of two public streets. One sign shall face each adjacent street. Such additional sign shall not exceed four feet in height above the surrounding finished grade level. Such additional sign shall not exceed 16 square feet in area plus three square feet for each business establishment located in such shopping center or integrated business development. The total sign area of both signs combined shall not exceed 40 square feet plus an additional three square feet for each business establishment located in such shopping center or integrated business development.

(4) *Sign district D.*

a. Each shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 24 square feet in area plus an additional three square feet in area for each business establishment located in such shopping center or integrated business development and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

c. An additional monument sign may be permitted for each shopping center or integrated business development that is on the corner of an intersection of two public streets. One sign shall face each adjacent street. Such additional sign shall not exceed four feet in height above the surrounding finished grade level. Such additional sign shall not exceed 16 square feet in area plus three square feet for each business establishment located in such shopping center or integrated business development. The total sign area of both signs combined shall not exceed 40 square feet plus an additional three square feet for each business establishment located in such shopping center or integrated business development.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-17. Permanent identification signs.

(a) *Single-family residential subdivisions.* Single-family residential subdivisions are permitted permanent monument signs at each major entrance to the subdivision. The total sign surface area at each entrance shall not exceed 32 square feet in area and shall not exceed six feet in height above the surrounding finished grade level. The location of the monument sign shall be outside of the sight distance triangle corresponding to the nearest street intersection and is subject to approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians. Subdivisions which consist of more than one platted section are allowed an additional monument sign of not more than 16 square feet in area and not exceeding six feet in height for each major entrance to each section therein; however, in the case where the

major entrance to the subdivision is also a major entrance to a section of the subdivision, that entrance shall be limited to a monument sign of not more than 32 square feet.

(b) *Multifamily dwelling complexes.* A townhouse, condominium, or apartment complex is permitted one single or double-faced monument sign on the premises, not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level. The location of the monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection. In addition to a monument sign, each multifamily dwelling complex is permitted one wall sign not exceeding in total square feet ten percent of the facade to which it is affixed. A wall sign may not project above the roof line of a building, except for buildings with parapet walls, in which case the signage shall be flush with the wall and shall not project above the parapet.

(c) *Permit required.* A permit is required for the signs allowed under this section.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

~~Sec. 53-18. Religious institution, private school, or governmental agency signs.~~

~~(a) A religious institution, private school, or governmental agency shall be allowed to erect one single or double-faced monument sign on the property on which the religious institution, school, or governmental agency is located. Such sign shall not exceed 50 square feet in area and shall not exceed 12 feet in height above the surrounding finished grade level. One additional single or double-faced monument sign is allowed to identify a secondary use (such as a school) on the same property. Such sign shall not exceed 28 square feet in area and shall not exceed eight feet in height above the surrounding finished grade level. A permit is required for the signs allowed under this section.~~

~~(b) A sign that exceeds the height and/or area requirements of this section may be permitted by the city council. Such sign must be located on property where the main structure on the property lies within 2,000 feet of the S.H. 288 right-of-way. Additionally, the sign must be approved by approval of a specific use permit. An applicant shall be required to obtain a specific use permit through the regular rezoning process and a site plan and drawings of the proposed sign shall be required.~~

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-1~~8~~9. Portable signs.

(a) *Portable signs for business establishment.* An on-premises portable sign shall be permitted for use by a business establishment for the initial opening of such business for a period not exceeding 30 days. An on-premises portable sign may also be permitted for use by a business establishment for a maximum period of 30 days per calendar year.

(b) *Portable signs for nonprofit organization.* On-premises portable signs shall be permitted for use on a temporary basis by nonprofit organizations for a maximum period of 15 days per calendar year.

(c) *Permit required.* A permit is required for any portable sign allowed under subsections (a) and (b) of this section. The location of a portable sign must be approved by the sign administrator to ensure that such location does not create hazards to traffic or pedestrians.

(d) *Maximum area.* The maximum area per side of a portable sign shall not exceed 32 square feet.

(e) *Conformance to city building code and electrical code.* Portable signs shall be securely anchored and constructed and erected in accordance with the city's building code and electrical code.

(f) *Location; property lines and intersections.* Portable signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-19~~20~~. Nonconforming signs.

A permanent sign erected within the city prior to the effective date of the ordinance from which this section is derived, which does not conform to the regulations of this chapter, shall be deemed to be a nonconforming sign which shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended. It is not the intent of this section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this chapter.

(1) *Obsolescence or destruction.* A nonconforming sign shall not be enlarged, expanded, extended, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.

(2) *Repair or reconstruction if damaged.* In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50 percent of the fair market value of the sign at the time of the damage, it must be removed or brought into compliance with this chapter.

(3) *Removal of unlawful signs.* In case any nonconforming sign is enlarged, expanded, extended, replaced, or rebuilt in violation of any of the terms of this chapter, the sign administrator shall give written notice by personal service or by certified mail, return receipt requested, to the owner, lessee, or person responsible for said sign, to remove the sign or bring the sign into compliance with this chapter. If such order in not complied with within ten days, the sign administrator shall revoke the sign permit.

(4) *Placement and removal of signs.* All signs shall be placed by the owner or the party in control of the property or with the permission of such owner or party in control, and the owner or party in control shall be responsible for the prompt removal of any sign in accordance with the provisions of this chapter.

(5) *Additional removal of specified signs*. Signs identified and described in section 53-11 shall be removed within 30 days after the effective date of the ordinance from which this section is derived.

(6) *Conformance.* Nonconforming temporary business signs and portable signs shall be removed or made to conform with the provisions of this chapter within 30 days after the effective date of the ordinance from which this section is derived.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-20~~1~~. Periodic inspection.

The sign administrator shall inspect periodically, or whenever deemed necessary, each sign or other advertising structure regulated by this chapter for the purpose of ascertaining whether the sign structure is unsafe, in need of repair, not in conformance with the permit application, or otherwise in violation of the provisions of this chapter.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-21~~2~~. Reserved.

Sec. 53-22~~3~~. Penalty.

Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2,000.00. Each day of violation shall constitute a separate offense.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Chapter 53 SIGNS[1]

Sec. 53-1. Purpose.

The purpose of this chapter is to establish reasonable regulations for the design, construction, installation, and maintenance of all exterior signs within the city and its extraterritorial jurisdiction in order to:

(1) Balance the right of individuals to identify their businesses and convey their messages and the right of the public to be protected against the unrestricted proliferation of signs;

(2) Further the objectives of the city's comprehensive plan;

(3) Protect the public health, safety, and welfare of the citizens of the city;

(4) Reduce traffic hazards;

(5) Facilitate the creation of an attractive and harmonious community;

(6) Protect property values;

(7) Promote economic development; and

(8) Preserve the right of free speech exercised through the use of signs containing non-commercial messages.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising means to seek the attraction of or to direct the attention of the public to any goods, services, business, activity, or merchandise of any kind or type.

Amateur ball park signs means those signs constructed, attached, hung, placed, suspended, affixed, or painted upon a structure in an amateur ball park which seek the attention of or direct the attention of patrons of the ball park to any goods, services, business, activities, or merchandise of any kind or type.

Billboard or *billboard sign* means an off-premises sign.

Business establishment means any property, building, or structure, permanent or temporary, used for the purpose of conducting in said building or structure, or on said property, a commercial enterprise in compliance with all ordinances and regulations of the city governing such activity. The term "business establishment" shall not include any property, building, or structure used for the primary purpose of securing a permit to erect a sign.

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[1]Editor's note(s)—Ord. No. 2017-O-35, § 1, adopted Nov. 6, 2017, amended Ch. 53 in its entirety to read as herein set out. Former Ch. 53, §§ 53-1—53-22, pertained to similar subject matter and derived from Ord. No. 2006-O-11, §§ 1—20, 22, 6-16-2006; Ord. No. 2015-O-13, § 2, 4-27-2015.

State law reference(s)—Municipal regulation of signs, V.T.C.A., Local Government Code § 216.003; regulations of political signs by municipality, V.T.C.A., Local Government Code § 216.903.

Business purposes means the erection or use of any property, building, or structure, permanent or temporary, used for the purpose of conducting in said building or structure, or on said property, a commercial enterprise in compliance with all ordinances and regulations of the city governing such activity. The term "business purpose" shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign.

Column sign means any sign supported by two or more columns, uprights, or braces anchored in or on the ground and not attached to any building.

Electronic changeable message sign means any sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Erect means to build, construct, attach, hang, place, suspend, affix, or paint a sign.

Facing or *surface* means the surface of the sign upon, against, or through which a message is displayed or illustrated.

Illuminated sign means any sign that has characters, letters, fixtures, designs, or outlines illuminated externally by electric lights or internally by luminous tubes or other internal illumination device.

Incombustible material means any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Monument sign means any sign mounted on the ground or supported by one or more columns, uprights, or braces anchored in the ground, but not elevated above the ground by any device that holds the sign off the ground and not attached to any building, including reader panels. A message board or electronically displayed date, time, and temperature may not occupy more than 24 square feet of the area of sign face.

Multifamily dwelling complex means a townhouse, condominium, or apartment complex of one or more buildings or portions thereof located on a single tract of land which contain three or more separate dwelling units which share means of egress and other essential facilities.

Off-premises sign means any sign advertising a business, person, activity, goods, products, or services not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.

On-premises sign means any sign identifying or advertising the person, activity, goods, business, products, or services primarily sold or offered for sale on the premises or property where the sign is installed and maintained when such premise is used for business purposes.

Permittee means a person receiving a sign permit pursuant to the provisions of this chapter.

Person means an individual, company, corporation, partnership, association, or any other entity.

Pole sign means any sign supported by only one column, pole, upright, or brace anchored in or on the ground and not attached to any building.

Portable sign means any sign designed or constructed to be easily moved from one location to another and which is mounted upon or designed to be mounted upon a wheeled carrier or other framed structure.

Public service sign means a sign that provides a service or message to the public, such as time, temperature, and charity appeals.

Residential purposes means property devoted to use as a single-family or multifamily residence. Residential purposes shall include, but not be limited to, property used for houses, apartments, duplexes, condominiums, townhouses, townhomes, and patio homes; property used for hotels, motels, and boardinghouses shall not be considered as used for residential purposes.

Right-of-way means that property or right-of-way owned by the city, county, or state and used for the purposes of roads, highways, drainage, and public utilities.

Shopping center or *integrated business development* means a commercial development, such as a strip center, mall, multitenant office building, commercial center, or industrial complex, in which two or more separate businesses occupy a single or multiple structure which share on-site parking facilities and common driveways.

Sign means any writing, pictorial representation, illustration, emblem, symbol, design, or other figure of similar character which is a structure or a part thereof, or is attached to or in any manner represented on a building or other structure, is placed out of doors in view of the general public, and is used for purposes of advertisement, announcement, declaration, demonstration, display, identification, or expression. The term "sign" shall include the sign structure.

Sign administrator means the city building official.

Sign permit means a permit issued by the city to erect a sign. Additionally, a sign permit refers to the continuing authorization by the city for the permit holder to maintain and operate a sign within the city while such sign conforms with the provisions of this chapter.

Sight distance triangle means the triangle formed on any corner lot measured from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. Except for single-family residential accessways, a sight triangle at the intersection of a public street and a private access way shall have sides of 15 feet along the accessway and 25 feet along the public street. In order to minimize sight obstructions, no parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance triangle so as not to impede vision between a height of two feet six inches, and ten feet above the center line grades of the intersecting streets and/or drives.

Sign structure means any structure, device, or system, which supports or is capable of supporting a sign.

Snipe signs or *bandit signs* means signs which are tacked, nailed, posted, pasted, glued, or otherwise attached to stakes, utility poles, or other like objects, the advertising on which is not applicable to the premises or property on which it is located.

Temporary business sign means any sign, banner, pennant, or other advertising display constructed of cloth, canvas, light fabric, cardboard, or other light materials, with or without frames, with or without words, intended to be displayed for a limited period of time on the property of the business.

Wall sign means any sign mounted parallel to a wall of any building extending 18 inches or less horizontally from the structure to which it is affixed.

Window sign means a temporary business sign placed on, affixed to, painted on or located within the frame of a transparent opening in the wall of a building.

Wind device sign means any flag, banner, pennant, streamer, balloon, or similar sign made of cloth, canvass, plastic, or other flexible material, with or without a frame or other supporting structure, that moves or is designed or intended to move or blow in the wind.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-3. Sign districts.

There are hereby created the following sign districts:

(1) *Sign district A.* Sign district A shall include all property located in the city limits within 200 feet of the right-of-way of State Highway 288 and its frontage roads.

(2) *Sign district B.* Sign district B shall include all property located within the city's light commercial (LC and LC-SUP), heavy commercial (HC and HC-SUP), highway mixed use (HMU and HMU-SUP) and PUD districts as defined by the city's zoning ordinance and is not located within sign district A.

(3) *Sign district C.* Sign district C shall include all property in the city limits that is not located within sign district A or sign district B.

(4) *Sign district D.* Sign district D shall include all property within the city's extraterritorial jurisdiction unless prohibited or restricted by Local Government Code § 216.902.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-4. Permit required.

Except as provided in section 53-10, it shall be unlawful for any person to erect, relocate, or structurally alter, any sign or other advertising structure as defined in section 53-2, without first obtaining a sign permit from the sign administrator and paying the permit fee required by section 53-7. No permit is required for change of copy or message or for repair, repainting, or maintenance that does not entail structural change.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-5. Application for sign permit.

An application for a sign permit shall be made upon a form provided by the sign administrator and shall contain and have attached the following information:

(1) The name, address, and telephone number of the applicant;

(2) The location of the building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected;

(3) The location of the sign or other advertising structure in relation to nearby buildings, structures, and/or rights-of-way, sidewalks and driveways;

(4) Two blueprints or drawings of the plans and specifications of the sign and a description of the proposed method of construction and attachment to the building or on the ground;

(5) A certification and/or calculations showing that the sign is designed to meet the wind pressure and dead load requirements of the International Building Code and all other laws and ordinances of the city. The building official may require such certification and calculation to be made by a registered professional engineer if the sign is in excess of six feet in height or 50 square feet in area.

(6) The name of the person erecting the sign;

(7) The written consent of the owner of the building, structure, or land to which or on which the sign is to be erected if the owner of such property is different from applicant;

(8) Any required electrical permit; and

(9) Such other information as the sign administrator shall require to show full compliance with this and all other laws and ordinances of the city.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-6. Permit issuance.

Upon the filing of an application for a sign permit, the sign administrator shall:

(1) Examine the plans and specifications and the premises upon which the proposed sign shall be erected; and

(2) Issue a permit if the proposed sign complies with the requirements of this chapter and all other laws and ordinances of the city. If the work authorized under a sign permit is not completed within six months after the date of issuance, the permit shall become null and void.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-7. Permit fee.

Every applicant, prior to issuance of a permit pursuant to section 53-6, shall pay to the city a nonrefundable fee. Such fees shall be adopted by resolution and may be revised as often as the city council deems necessary.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-8. Revocation of permit.

The sign administrator may revoke any permit where there has been a violation of the provisions of this chapter or a misrepresentation of fact on the permit application.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-9. Number, date, and voltage.

(a) Every permitted sign or other advertising structure shall display in a conspicuous place on such sign or structure, in letters no less than one inch in height, the date of erection, the permit number, and the voltage of any electrical apparatus used.

(b) The top of all signs and sign structures shall have a minimum vertical clearance from any other structure of 14 feet, and shall have a clearance equal to its height from any transmission line carrying 750 volts or greater.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-10. Permitted signs.

The following signs are allowed in all districts and are exempt from the permit requirements of this chapter:

(1) Temporary real estate signs not exceeding 16 square feet in area that advertise the sale, rental, or lease of the premises upon which the sign is located. Such signs shall be removed not later than ten days following the sale, rental, or lease of the subject property. Such signs shall only be located on private property;

(2) Temporary political signs concerning candidates for public office and ballot issues and not exceeding 36 square feet in area. Such signs shall be erected not more than 30 days preceding the first day early voting commences for the election or referendum to which they pertain and removed not later than

ten days after the date of the election or referendum. Such signs shall only be located on private property;

(3) Temporary signs advertising the date, time, and location of a garage or yard sale and not exceeding four square feet in area. Such signs shall be erected not more than three days prior to and removed not later than one day after the date of the sale;

(4) Signs which are an integral part of the historical character of a designated historic district or a building that has been designated a landmark;

(5) Public signs regulating vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospitals, historical sites, or public facilities;

(6) Flags of any government or governmental agency or any patriotic, religious, charitable, civic, educational, or fraternal organization and not exceeding 40 square feet in area;

(7) Temporary signs advertising special community events or other community activities sponsored by nonprofit organizations, governmental entities, or churches. Such signs shall not exceed 32 square feet in area, shall not be erected more than 30 days in advance of the event and shall be removed within ten days after such event. Temporary signs shall be securely anchored and shall not exceed seven feet in height from ground level;

(8) Temporary displays or decorations customarily associated with any national, state, local, or religious holiday or celebration. Such signs shall be erected not more than 45 days before the holiday or celebration and removed not later than ten days after such holiday or celebration;

(9) Hand-held signs of a noncommercial nature not set on or affixed to the ground and not exceeding ten square feet in area;

(10) Temporary signs identifying the architect, engineer, developer or contractor when placed upon construction sites and not exceeding 64 square feet in area. Such signs shall not be erected prior to approval of a site plan and shall be removed not later than ten days after completion of the project;

(11) Signs identifying the name and profession of the occupant of a business establishment and not exceeding two square feet in area;

(12) Memorial or commemorative plaques or tablets denoting a building name and/or date of erection or a location of historic significance and not exceeding four square feet in area;

(13) Any sign for informational (non-advertisement) purposes not exceeding one square foot in area with letters not exceeding four inches in height;

(14) Property identification signs indicating address and/or name and not exceeding two square feet in area located on property used for residential purposes or five square feet in area located on property used for business purposes;

(15) Temporary business signs shall be permitted; provided, that:

a. Temporary business signs of combustible material shall not exceed 60 square feet in area;

b. Temporary business signs weighing in excess of 50 pounds must conform to the safety requirements of the building code of the city and must be approved by the sign administrator;

c. Temporary business signs shall not extend over or into any street right-of-way, alley, sidewalk, or other public thoroughfare;

d. Temporary business signs shall be attached with wire or steel cables. Strings, ropes, or wood slats for anchorage or support purposes shall not be permitted;

e. Temporary business signs shall not be allowed to remain for a period exceeding 15 days in a six-month period;

f. Temporary business signs must be on-premise signs; and

g. Only one temporary business sign may be displayed at any given time.

(16) Amateur ball park signs;

(17) Signs erected by the city, the state (including its political subdivisions, such as school districts), or the United States government, or otherwise required by federal, state, or local laws;

(18) Directory signs, menu boards and the like, which are designed to be read from a distance no greater than ten feet; and

(19) Notwithstanding any other provision of this chapter, any sign that may display a commercial message may also display any noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this chapter.

(20) An electronic changeable message sign may be allowed, provided that:

a. The size of the changeable area is no larger than 25 percent of the overall permitted sign.

b. i. For sign districts A and B, the message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling; and the sign does not conflict with section 53-11(9); or

ii. For sign districts C and D, the message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling; and the sign does not conflict with section 53-11(9).

c. No internal or external illumination of the LED screens will be allowed between the hours of 10:00 p.m. and 6:00 a.m.

d. Maximum illumination will be determined by the difference between ambient light and full wattage and this difference cannot be more than .2 footcandles at 75 feet. The owner will provide annual reports certifying illumination does not exceed stated limits and will conduct tests in response to any complaints received by the city concerning the light from the sign.

e. Maximum nit wattage is 6,500.

(21) Each business establishment is allowed wall signage not exceeding in total square feet of the non-fenestrated facade to which it is affixed:

20 percent for the side with the principal entrance;

15 percent for the side(s) fronting on a public street;

Ten percent for all other sides;

Ten percent per side for canopies related to a business;

A maximum of 32 square feet for freestanding menu boards in addition to wall signs;

Wall signage may not project above the lower edge of the roof line or parapet of a building.

(22) A home business may have one non-illuminated sign with a maximum area of two square feet.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-11. Prohibited signs.

Signs prohibited in all districts by this chapter include, but are not limited to, the following:

(1) Signs which are inadequately maintained so as to show evidence of deterioration, including peeling, rust, dirt, fading, discoloration, loss of illumination, or holes. Damaged signs shall be repaired or removed within 30 days of receipt of notice from the city;

(2) Signs which advertise a business or product, which is no longer in existence. Abandoned or outdated signs shall be replaced or removed within 30 days of receipt of notice from the city;

(3) Signs which are erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape;

(4) Signs which obstruct free and clear vision at any street intersection;

(5) Signs which interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color;

(6) Signs which use the words "stop," "look," "go slow," "caution," "danger," "warning," or any other word, phrase, symbol or character in a manner that interferes with, misleads, or confuses traffic;

(7) Signs which constitute a hazard to safety or health by reason of inadequate design, construction, repair, or maintenance;

(8) Signs which are illuminated with lights that cause a glare into or upon the surrounding area or any property used for residential purposes or which distract operators of vehicles or pedestrians on a public right-of-way;

(9) Signs which contain reflectors or lights or illuminations or messages that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation;

(10) Signs which display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value;

(11) Signs which are painted on or attached to a motor vehicle used primarily for the display of such sign. This section shall not prohibit the identification of a business or its products or services on a vehicle operated and parked in a manner appropriate to the normal course of business;

(12) Signs which have visible moving, revolving, or rotating parts or visible mechanical movement of any kind, achieved by electrical or mechanical means, except for time-temperature-date signs;

(13) Signs attached to or located upon outdoor exposed amenities such as trees, street signs, utility poles, or fences, which are visible from any street;

(14) Signs which are off-premises signs;

(15) Signs or portions thereof which are located on, or project or extend over, any public right-of-way, any public sidewalk, street, alley, or other public property;

(16) Wind device signs;

(17) Snipe signs or bandit signs except as pre-permitted between the hours of 5:00 p.m. on Friday and 7:00 a.m. on Monday, provided no such sign shall be located less than 100 feet from another such sign; and

(18) Pole signs.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-12. Additional signs allowed in sign district A.

Business establishments within sign district A shall be allowed signage in accordance with section 53-10 and the provisions of this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs allowed under this section.

(1) *Column signs.*

a. Each business establishment in sign district A is permitted one column sign, which shall be supported by not less than two columns, with the depth of the column not less than the depth of the sign; provided, however, that the width of the column shall not be less than three feet. The message area of such column sign shall not exceed 550 square feet in area. The height of such column shall not exceed 40 feet in height, including the supporting structure, above the surrounding finished grade level. Additionally, each monument sign shall not exceed 22 feet in width. The bottom of such sign message area shall not be less than 15 feet above the surrounding finished grade level. Such column sign shall not exceed 22 feet in width. Such column sign may have a reader panel attached to it, however, a reader panel shall be included in the calculation of total sign area. Each column sign shall be positioned perpendicular to the roadway on which the property on which the sign is located faces. The support structure shall be visibly marked if such column sign is located in a parking area. Each business establishment in sign district A with more than 200 feet of frontage on State Highway 288 or its frontage road shall be permitted one additional sign as described in this section. No single business shall exceed 20 square feet of sign space on any one column sign.

b. A column sign shall be located such that all parts of such sign are a minimum of ten feet from all property lines.

(2) *Monument signs.*

a. In lieu of, and not in addition to, a column sign, each business establishment is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-13. Additional signs allowed in sign district B.

Business establishments within sign district B shall be allowed signage in accordance with section 53-10 and the provisions of this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs allowed under this section.

(1) *Column signs.* Column signs are prohibited.

(2) *Monument signs.*

a. Each business establishment with frontage on State Highway 6 is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection. In addition, monument signs in sign district B shall have a minimum distance of 200 feet between them when possible.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-14. Additional signs allowed in sign district C.

Business establishments within sign district C shall be allowed signage in accordance with section 53-10 and the provisions of this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs permitted under this section.

(1) *Column signs*. Column signs are prohibited.

(2) *Monument signs.*

a. Each business establishment is permitted one single or double-faced monument sign not exceeding 24 square feet in area and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to approval by the sign administrator to ensure that such location does not cause an obstruction to the view of traffic or create a hazard to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-15. Additional signs allowed in sign district D.

Business establishments within sign district D shall be allowed signage in accordance with the provisions of section 53-10 and this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 53-16. A permit is required for the signs permitted under this section.

(1) *Column signs.* Column signs are prohibited.

(2) *Monument signs.*

a. Each business establishment is permitted one single or double-faced monument sign not exceeding 24 square feet in area and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to approval by the sign administrator to ensure that such location does not cause an obstruction to the view of traffic or create a hazard to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-16. Shopping center and integrated business developments.

Shopping centers and integrated business developments shall be allowed signage in accordance with section 53-10 and the provisions of this section. A permit is required for the signs allowed under this section.

(1) *Sign district A.*

a. Each shopping center or integrated business development with more than 200 feet of frontage on State Highway 288, or its frontage road is permitted one column sign not exceeding 550 square feet in area. Such column sign shall not exceed 40 feet in height, including the supporting structure, above the surrounding finished grade level. Additionally, each monument sign shall not exceed 22 feet in width. The bottom of such sign shall not be less than 15 feet above the surrounding finished grade level. Such column sign may have a reader panel attached to it, however, a reader panel shall be included in the calculation of total sign area. The support structure shall be visibly marked if such column sign is located in a parking area.

b. A column sign shall be located such that all parts of such sign are a minimum of ten feet from all property lines.

c. In lieu of a column sign, a shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level.

d. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

(2) *Sign district B.*

a. Each shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level. Additionally, each monument sign shall not exceed 22 feet in width.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

c. An additional monument sign may be permitted for each shopping center or integrated business development that is on the corner of an intersection of two public streets. One sign shall face each adjacent street. Such additional sign shall not exceed four feet in height above the surrounding finished grade level. Such additional sign shall not exceed 16 square feet in area plus an additional five square feet for each business establishment located in such shopping center or integrated business development. The total sign area of both signs combined shall not exceed 100 square feet plus an additional five square feet for each business establishment located in such shopping center or integrated business development.

(3) *Sign district C.*

a. Each shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 24 square feet in area plus an additional three square feet in area for each business establishment located in such shopping center or integrated business development and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

c. An additional monument sign may be permitted for each shopping center or integrated business development that is on the corner of an intersection of two public streets. One sign shall face each adjacent street. Such additional sign shall not exceed four feet in height above the surrounding finished grade level. Such additional sign shall not exceed 16 square feet in area plus three square feet for each business establishment located in such shopping center or integrated business development. The total sign area of both signs combined shall not exceed 40 square feet plus an additional three square feet for each business establishment located in such shopping center or integrated business development.

(4) *Sign district D.*

a. Each shopping center or integrated business development is permitted one single or double-faced monument sign not exceeding 24 square feet in area plus an additional three square feet in area for each business establishment located in such shopping center or integrated business development and not exceeding six feet in height above the surrounding finished grade level.

b. The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

c. An additional monument sign may be permitted for each shopping center or integrated business development that is on the corner of an intersection of two public streets. One sign shall face each adjacent street. Such additional sign shall not exceed four feet in height above the surrounding finished grade level. Such additional sign shall not exceed 16 square feet in area plus three square feet for each business establishment located in such shopping center or integrated business development. The total sign area of both signs combined shall not exceed 40 square feet plus an additional three square feet for each business establishment located in such shopping center or integrated business development.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-17. Permanent identification signs.

(a) *Single-family residential subdivisions.* Single-family residential subdivisions are permitted permanent monument signs at each major entrance to the subdivision. The total sign surface area at each entrance shall not exceed 32 square feet in area and shall not exceed six feet in height above the surrounding finished grade level. The location of the monument sign shall be outside of the sight distance triangle corresponding to the nearest street intersection and is subject to approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians. Subdivisions which consist of more than one platted section are allowed an additional monument sign of not more than 16 square feet in area and not exceeding six feet in height for each major entrance to each section therein; however, in the case where the major entrance to the subdivision is also a major entrance to a section of the subdivision, that entrance shall be limited to a monument sign of not more than 32 square feet.

(b) *Multifamily dwelling complexes.* A townhouse, condominium, or apartment complex is permitted one single or double-faced monument sign on the premises, not exceeding 50 square feet in area and not exceeding 12 feet in height above the surrounding finished grade level. The location of the monument sign is subject to

the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection. In addition to a monument sign, each multifamily dwelling complex is permitted one wall sign not exceeding in total square feet ten percent of the facade to which it is affixed. A wall sign may not project above the roof line of a building, except for buildings with parapet walls, in which case the signage shall be flush with the wall and shall not project above the parapet.

(c) *Permit required.* A permit is required for the signs allowed under this section.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-18. Religious institution, private school, or governmental agency signs.

(a) A religious institution, private school, or governmental agency shall be allowed to erect one single or double-faced monument sign on the property on which the religious institution, school, or governmental agency is located. Such sign shall not exceed 50 square feet in area and shall not exceed 12 feet in height above the surrounding finished grade level. One additional single or double-faced monument sign is allowed to identify a secondary use (such as a school) on the same property. Such sign shall not exceed 28 square feet in area and shall not exceed eight feet in height above the surrounding finished grade level. A permit is required for the signs allowed under this section.

(b) A sign that exceeds the height and/or area requirements of this section may be permitted by the city council. Such sign must be located on property where the main structure on the property lies within 2,000 feet of the S.H. 288 right-of-way. Additionally, the sign must be approved by approval of a specific use permit. An applicant shall be required to obtain a specific use permit through the regular rezoning process and a site plan and drawings of the proposed sign shall be required.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-19. Portable signs.

(a) *Portable signs for business establishment.* An on-premises portable sign shall be permitted for use by a business establishment for the initial opening of such business for a period not exceeding 30 days. An on-premises portable sign may also be permitted for use by a business establishment for a maximum period of 30 days per calendar year.

(b) *Portable signs for nonprofit organization.* On-premises portable signs shall be permitted for use on a temporary basis by nonprofit organizations for a maximum period of 15 days per calendar year.

(c) *Permit required.* A permit is required for any portable sign allowed under subsections (a) and (b) of this section. The location of a portable sign must be approved by the sign administrator to ensure that such location does not create hazards to traffic or pedestrians.

(d) *Maximum area.* The maximum area per side of a portable sign shall not exceed 32 square feet.

(e) *Conformance to city building code and electrical code.* Portable signs shall be securely anchored and constructed and erected in accordance with the city's building code and electrical code.

(f) *Location; property lines and intersections.* Portable signs shall be located outside of the sight distance triangle corresponding to the nearest street intersection.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-20. Nonconforming signs.

A permanent sign erected within the city prior to the effective date of the ordinance from which this section is derived, which does not conform to the regulations of this chapter, shall be deemed to be a nonconforming sign which shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended. It is not the intent of this section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this chapter.

(1) *Obsolescence or destruction.* A nonconforming sign shall not be enlarged, expanded, extended, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.

(2) *Repair or reconstruction if damaged.* In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50 percent of the fair market value of the sign at the time of the damage, it must be removed or brought into compliance with this chapter.

(3) *Removal of unlawful signs.* In case any nonconforming sign is enlarged, expanded, extended, replaced, or rebuilt in violation of any of the terms of this chapter, the sign administrator shall give written notice by personal service or by certified mail, return receipt requested, to the owner, lessee, or person responsible for said sign, to remove the sign or bring the sign into compliance with this chapter. If such order in not complied with within ten days, the sign administrator shall revoke the sign permit.

(4) *Placement and removal of signs.* All signs shall be placed by the owner or the party in control of the property or with the permission of such owner or party in control, and the owner or party in control shall be responsible for the prompt removal of any sign in accordance with the provisions of this chapter.

(5) *Additional removal of specified signs*. Signs identified and described in section 53-11 shall be removed within 30 days after the effective date of the ordinance from which this section is derived.

(6) *Conformance.* Nonconforming temporary business signs and portable signs shall be removed or made to conform with the provisions of this chapter within 30 days after the effective date of the ordinance from which this section is derived.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-21. Periodic inspection.

The sign administrator shall inspect periodically, or whenever deemed necessary, each sign or other advertising structure regulated by this chapter for the purpose of ascertaining whether the sign structure is unsafe, in need of repair, not in conformance with the permit application, or otherwise in violation of the provisions of this chapter.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

Sec. 53-22. Reserved.

Sec. 53-23. Penalty.

Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2,000.00. Each day of violation shall constitute a separate offense.

(Ord. No. 2017-O-35, § 1, 11-6-2017)

ORDINANCE NO. 2022-O-31

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING CHAPTER 50. *PLANNING AND DEVELOPMENT*, ARTICLE III. *COMPREHENSIVE PLAN*, BY AMENDING SECTION 50-53. *MASTER DRAINAGE PLAN* APPROVING THE UPDATE TO THE CITY'S MASTER DRAINAGE PLAN; PROVIDING FOR CONFORMITY OF ALL DRAINAGE REGULATIONS TO THE 2022 MASTER DRAINAGE PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.

WHEREAS, the City of Manvel commissioned Lentz Engineering with the task of updating the 2015 Master Drainage Plan for the city; and

WHEREAS, the new update to the Master Drainage Plan prepared by Lentz is now in final format and has been presented to the City for adoption; and

WHEREAS, the 2015 Master Drainage Plan, as updated by the 2022 Master Drainage Plan Update (dated July 29, 2022), shall be known as the 2022 Master Drainage Plan; and

WHEREAS, the City Council hereby adopts the new updated 2022 Master Drainage Plan into Chapter 50 of The City Code as a plan and policy for the city; **now, therefore,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The 2022 Master Drainage Plan Update (dated July 29, 2022), is hereby approved. The 2015 Master Drainage Plan, as updated by the 2022 Master Drainage Plan Update (dated July 29, 2022), shall be known as the "2022 Master Drainage Plan."

Section 2. Chapter 50 of the Code of Ordinances of the City of Manvel is hereby amended by amending section 50-53 in Article III to read and provide as follows:

"**CHAPTER 50. PLANNING AND DEVELOPMENT**

. . .

ARTICLE III. COMPREHENSIVE PLAN

. . .

Sec. 50-53. Master drainage plan.

(a) Pursuant to the authority contained in section 213.004 of the Texas Local Government Code, the city council hereby adopts the [~~2015~~] 2022 Master Drainage Plan ("Master Drainage Plan"), a true and correct copy of which shall remain on file in the office of the city secretary. The Master Drainage Plan shall be the plan and policy for drainage matters within the city and, to the extent permitted by law, the extra-territorial jurisdiction of the City of Manvel.

(b) All drainage and related regulations and requirements of The City Code, including, but not limited to, Chapter 32. *Flood Damage Prevention* and Chapter 62. *Subdivisions* shall conform to the Master Drainage Plan. If there is any conflict between an ordinance, rule or regulation of The City Code and the Master Drainage Plan, the Master Drainage Plan shall control."

Section 3. **Penalty**. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2,000.00. Each day of violation shall constitute a separate offense.

Section 4. **Repealer**. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. **Severability**. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any

reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this _____ day of _____, 2022.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____, 2022.

_____
Debra Davison, Mayor

Attest:

_____
Tammy Bell, City Secretary

APPROVED AS TO FORM:

_____
Robert Gervais, City Attorney

MASTER DRAINAGE PLAN UPDATE
City of Manvel, Texas

July 29, 2022

Prepared by:

Lentz Engineering, LLC
11511 N. Garden
Houston, Texas 77071
(713) 839-8900
Firm # F-001378

STATE OF TEXAS
JARROD D. ADEN
92955
LICENSED
PROFESSIONAL ENGINEER

07/29/22

Executive Summary

Lentz Engineering, LLC (Lentz) was retained by the City of Manvel (Manvel) to provide an update to the City of Manvel's Master Drainage Plan (MDP) prepared by Klotz Associates (Klotz) in 2014. Unlike the Klotz MDP the scope of our services did not include hydrologic and hydraulic modeling and a high level of analysis. The purpose of this MDP addendum is to document changes of drainage significance which have occurred in the last several years and to identify some possible additional projects which provide opportunities for the City of Manvel to further improve drainage within their jurisdiction.

This update will make various references to the previous Klotz MDP which may include specific page numbers, exhibits, etc used in that previous report. For this reason, reviewers of this MDP update are encouraged to have a copy of the previous Klotz MDP available for reference.

Section 1 Introduction

Authorization

The City of Manvel (Manvel) authorized Lentz Engineering, LLC (Lentz) to complete this Master Drainage Plan (MDP) addendum in a professional services agreement between Manvel and Lentz.

Purpose

This high level study is intended to provide the City of Manvel with information regarding drainage changes of significance within Manvel, overview of new floodplain data, opportunities for improving drainage, and examples of possible projects. Based upon the relatively short length of time since the 2014 Klotz MDP was completed, only a broad, high level of analysis was deemed necessary for this effort.

The description of drainage changes within Manvel are meant to be general nature for the purpose of documenting the major areas of development within Manvel. Because all of the major areas of development were designed and built to be in strict conformance with City of Manvel Design Criteria Manual requirements, it is unnecessary to provide a detailed level of analysis here.

On December 30, 2020, new Flood Insurance Rate Maps (FIRMs) became effective for the City of Manvel. Those new maps will be provided and discussed here for the purpose of identifying the City's most flood prone areas and in the hopes of providing insight for future drainage improvement and flood reduction projects.

In addition to reviewing the previous 2014 Klotz MDP and the list of potential drainage improvement and flood reduction projects identified in that report, Our team has obtained feedback and first hand accounts from City Staff and Manvel citizens for the purpose of getting further insight into drainage pain points and possible projects within Manvel.

Location

As stated in Section 1.4 and shown in Figure 1 of the Klotz MDP, the City of Manvel's ETJ is positioned as the north end of Brazoria County. Although the City's ETJ may have changed and may continue to change in the future, these changes do not generally introduce new watersheds and waterways into the City's jurisdiction.

klotz associates

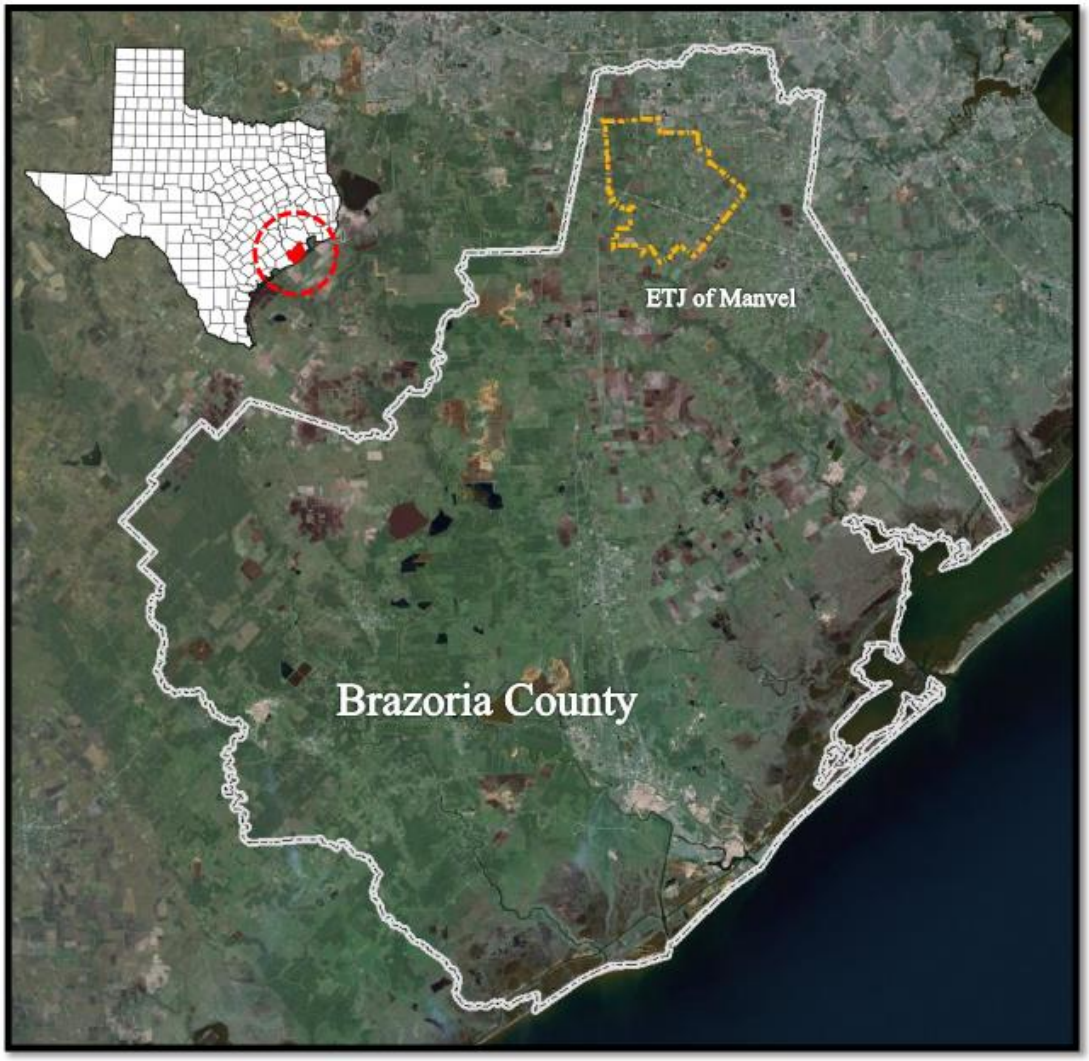


Figure 1: Vicinity Map

11511 N. Garden • Houston, Texas 77071 • Phone: (713) 839-8900 • Fax (713) 839-9020 • .www.lentzengineering.net

TBPE Registration No. F-1378

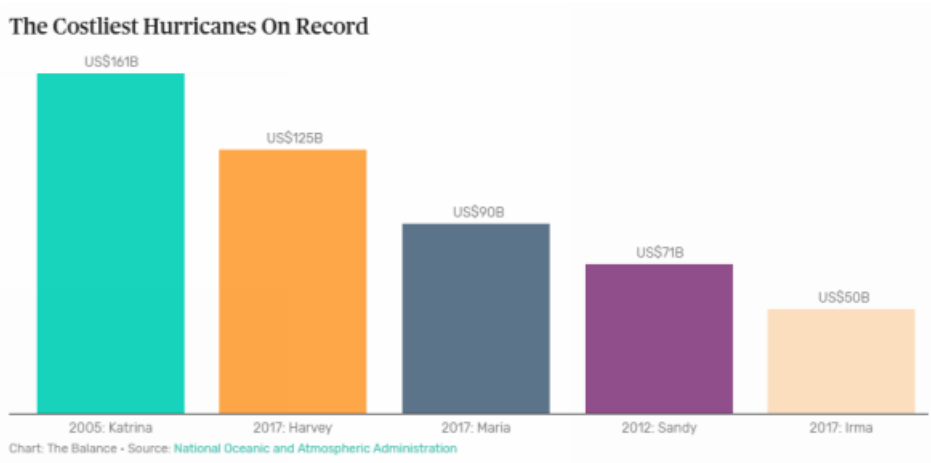
Section 2 City of Manvel

Drainage Overview

Section 2.1 of the Klotz MDP provides an overview of drainage within the City which includes discussions about the clayey and loamy soils throughout the City which generally have low infiltration or more plainly low capacity for absorption of rainfall into the ground. Additionally, Klotz mentions the high humidity, subtropical climate, and the annual average rainfall of 48 inches per year.

Based upon our review of data available online, the latest information shows that the City of Manvel has an average annual rainfall of 54 inches annually compared to the national average of 38 inches per year. Our research further found that the City of Manvel experiences some degree of rain, snow, sleet, or hail on an average of 102 days per year.

Klotz further mentions in the 2014 MDP that Manvel like many other areas in the Gulf Coast region is prone to experiencing Hurricanes. In August of 2017, the City of Manvel and the majority of the Gulf Coast region was impacted by Hurricane Harvey. According to the National Weather Service, this hurricane produced over 60 inches of rainfall with the highest reported rainfall being in Nederland, Texas just 120 miles east of the City of Manvel. According to the National Oceanic and Atmospheric Administration, damages from Hurricane Harvey are estimated to be $125 billion dollars making is the second most costly hurricane on record.



In addition to the extreme flooding and damage caused by Hurricane Harvey, there has been extensive analysis and discussion regarding rainfall quantities to be used in 100-year rainfall analysis. These rainfall amounts are developed based upon statistical analysis of prior storm events. Post Hurricane Harvey, experts began to question if we were under-estimating the correct amount of rainfall to be used for these analyses.

Prior to Hurricane Harvey, many agencies in the area used approximately 13 inches to represent the 100-year event. Post Harvey, many agencies have already made changes or are considering changes to increase the 100-year rainfall amount. While opinions vary, the consensus seems to point toward a range of 16 to 17.5 inches. This would be roughly a 20 – 35% increase.

Experts are still in the early stages of considering or making changes and while it is too early to tell exactly what the implications are for cities and municipalities might be, the discussions and analysis seem to suggest that future modeling and analysis will further increase floodplains, require larger detention ponds, and show that drainage channels and infrastructure will need to be further upsized.

Regional Relationships

In Section 2.2 of the 2014 MDP, Klotz mentions Brazoria Drainage District No. 4, Brazoria County Drainage District No. 5, and Brazoria County Conservation and Reclamation District No. 3, entities charged with the task of maintaining drainage related infrastructure within the City of Manvel. We mention those again here primarily for the purpose of restating the potential opportunity to team with those overlapping jurisdictions for the purpose of further improving drainage and reducing flooding within the City. The percentage of overlap of these entities onto the City of Manvel was provided in Table 2 of the Klotz MDP but is shown again below for reference.

Drainage Authority	Percentage overlap onto City of Manvel
Brazoria Drainage District No. 4	27%
Conservation and Reclamation District 3	55%
Brazoria County Drainage District No. 5	15%
No Drainage District	3%

Similarly, there are neighboring cities such as the City of Iowa Colony and the City of Alvin who face drainage and flooding issues and share Manvel's common goal of resolving those issues.

As a final point in this section, we draw attention to other agencies with overlapping authority which include TxDOT, Railroad entities, and the Gulf Coast Water Authority. Although these agencies may not primarily serve the purpose of improving drainage and reducing flooding, these agencies do have highways, canals, and railroad within the City of Manvel which currently restrict or inhibit the movement of stormwater runoff downstream to the Gulf of Mexico. With this in mind, these are important partners to work with going forward.

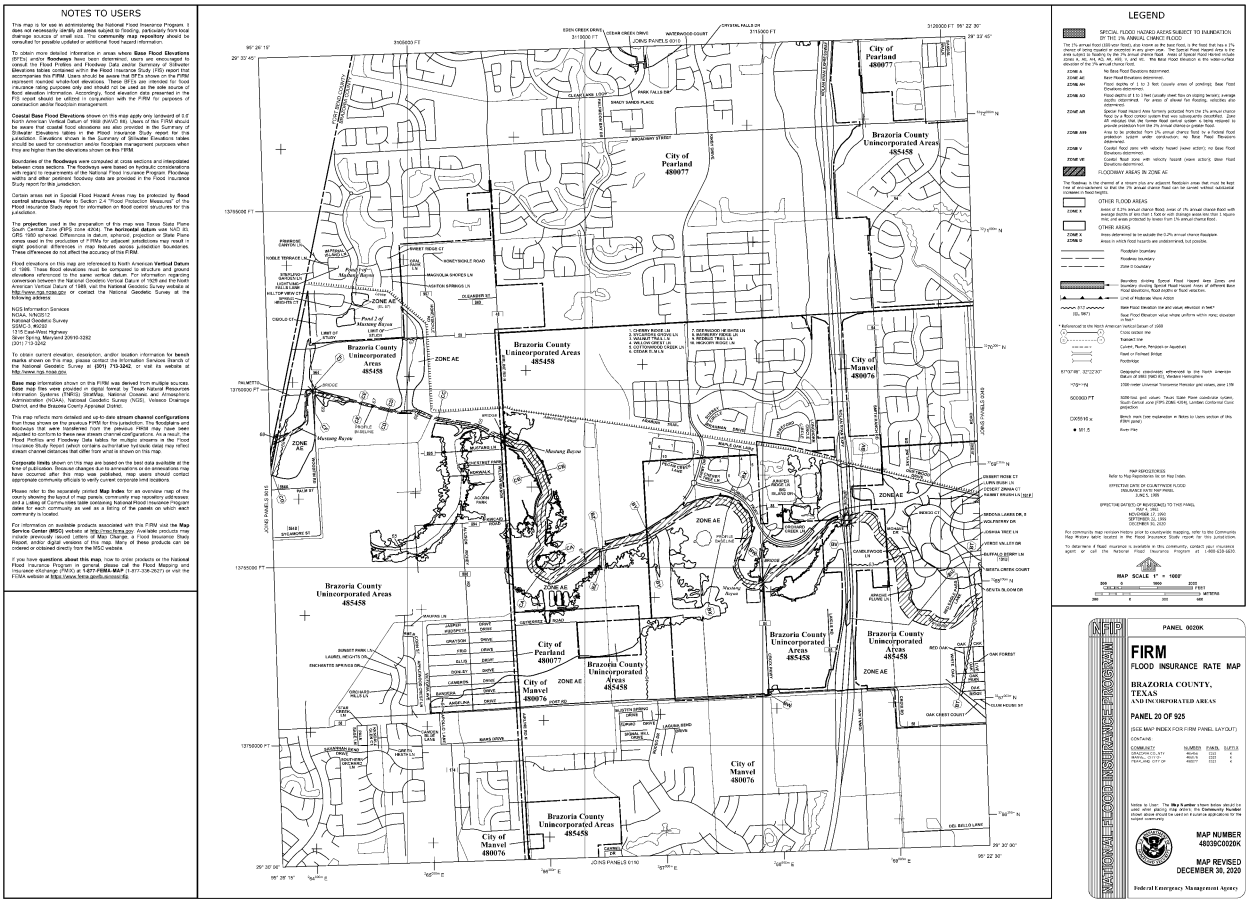
Floodplain

Prior to December 30, 2020, the Federal Emergency Management Agency (FEMA) had not adopted new Flood Insurance Rate Maps (FIRMs) for the City of Manvel since around 1983. The adoption of these new flood maps is arguably one of the most significant developments within the City of Manvel since Klotz issued the 2014 MDP.

It should be noted here that FEMA FIRM updates in some cases take years and years to develop and issue. As a result, these maps even immediately after release may not be representative of the latest and most up to date information. Furthermore, there may be current modeling for new development which propose projects that will remove areas from the floodplain. One such example is mentioned in the notes for the first panel provided below but it is not within the scope of this MDP update to present those findings in greater detail.

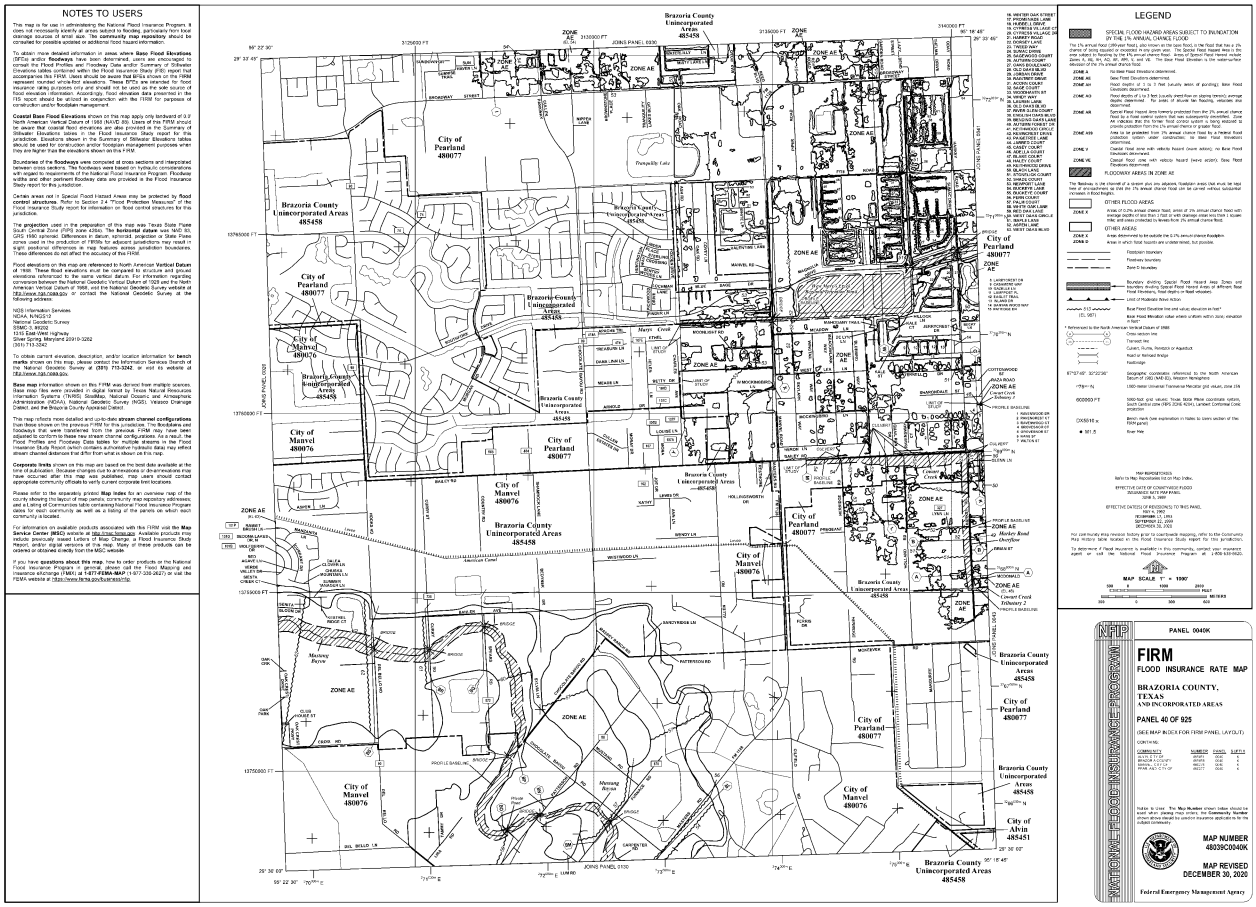
Where Manvel's City limits or ETJ are mentioned in this section it is based upon those jurisdictional lines as shown on the FEMA FIRMs and not necessarily the latest and most up to date locations of those boundaries.

A thumbnail view of these maps and a broad description of each is provided as follows:



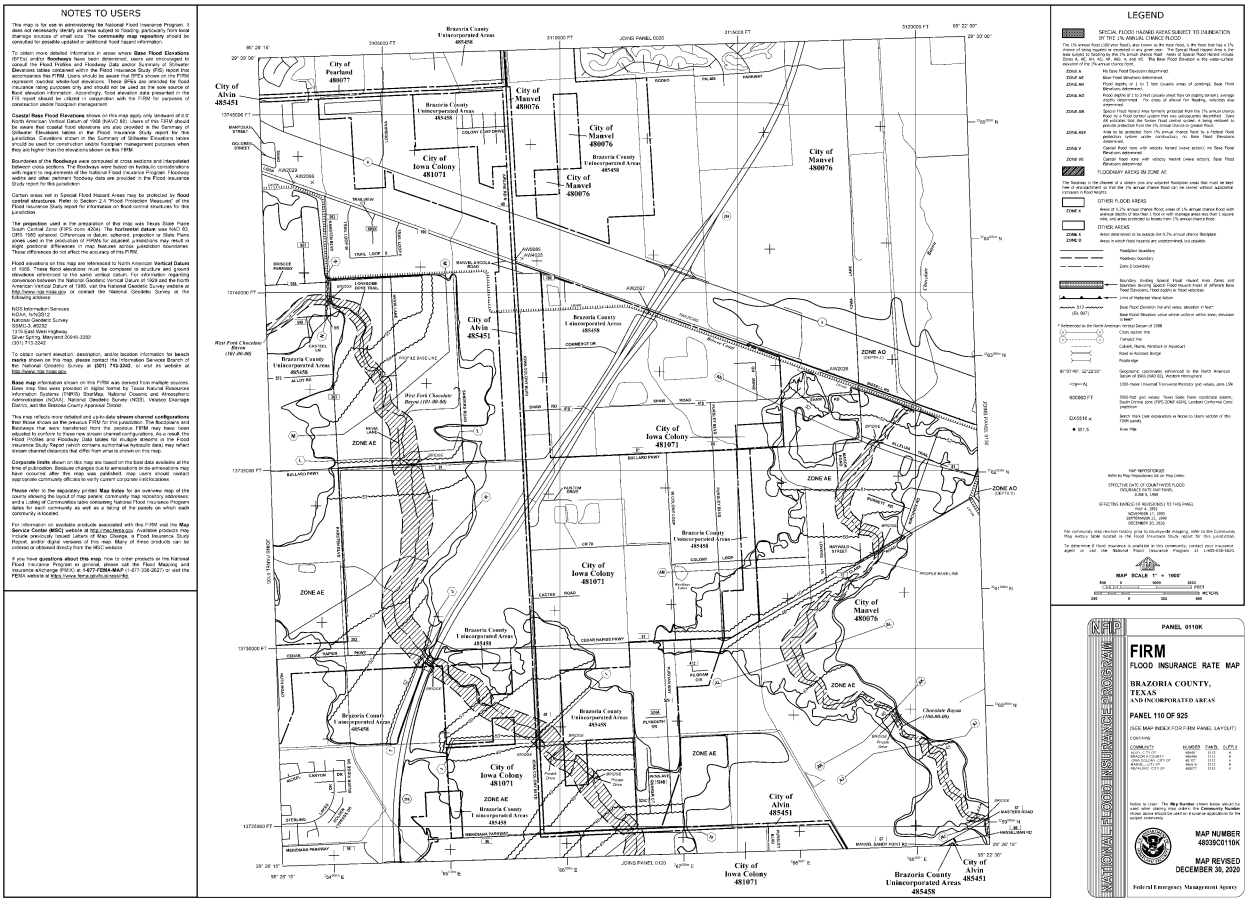
Panel 0020K – December 30, 2020

This panel shows the portion of Mustang Bayou predominantly on the west side of SH-288 and a small portion on the east side of SH-288 in the vicinity of the Sedona Lakes development. Of additional note is the fact that Post Road (Croix Road, CR-58) appears to effectively act as a barrier for flood water along it's north side. A significant portion of the floodplain on the West side of SH-288 is expected to be removed from the floodplain by the Pomona Development which proposes to confine floodwaters to their oversized detention facilities effectively the reducing the footprint of floodplain within their deep detention ponds. The same is expected to be true for the Sedona Lakes development north of Mustang Bayou and east of SH-288.



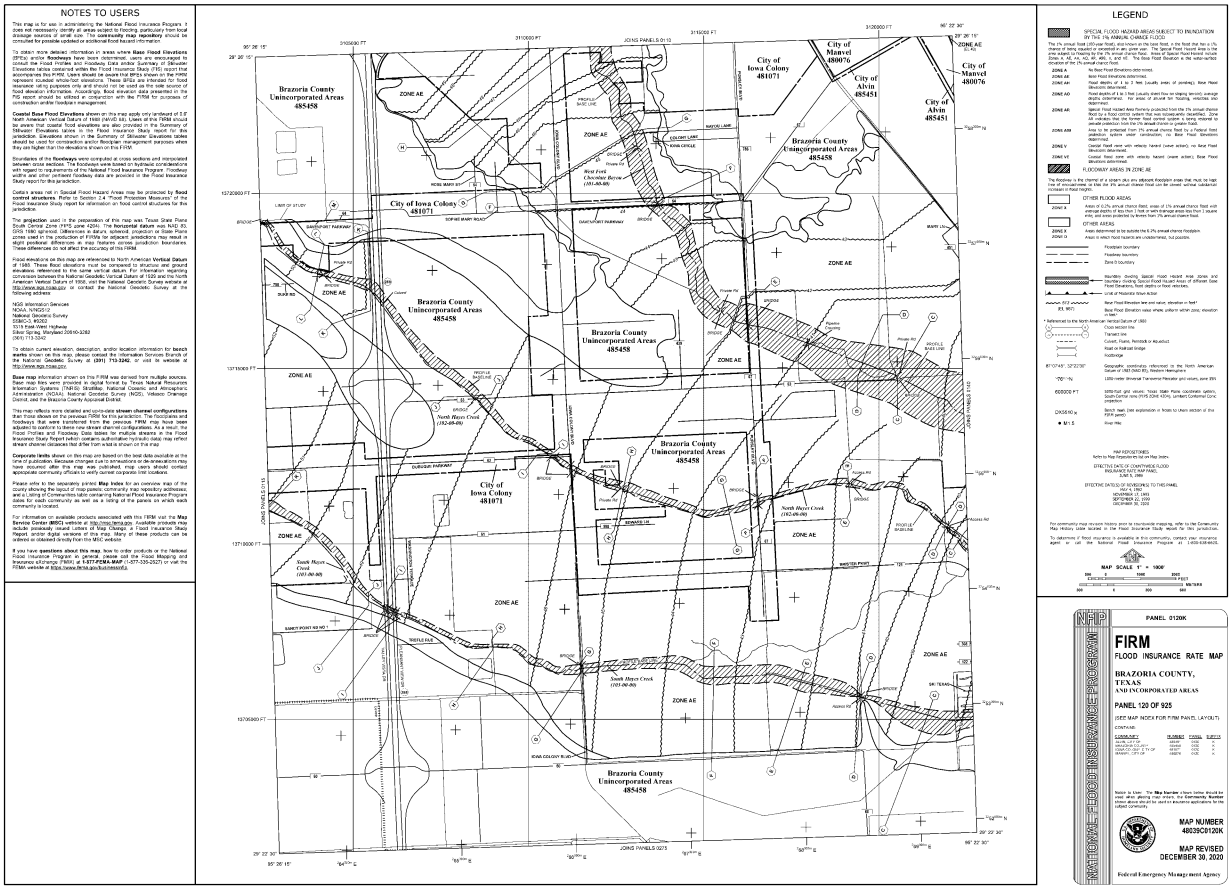
Panel 0040K – December 30, 2020

The portion of floodplain shown in the top right corner of the panel is the City of Pearland. The floodplain shown in the lower left corner shows the northeast part of the City of Manvel along Mustang Bayou. There is a significant amount of floodplain on this portion of the map.



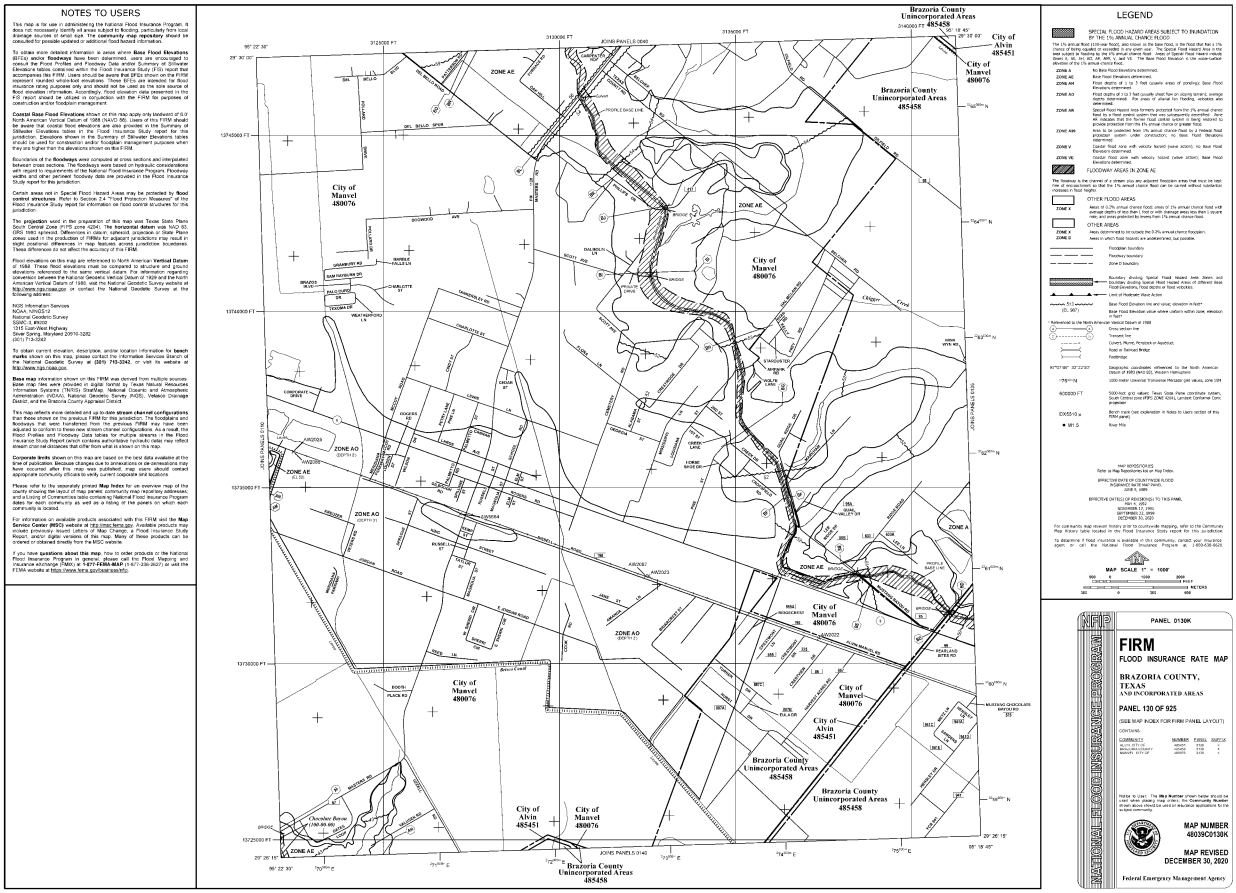
Panel 0110K – December 30, 2020

The left portion of this map shows portions of Iowa Colony, Alvin, and unincorporated areas within the West Fork of Chocolate Bayou watershed. The right portion of the maps includes areas north and south of Highway 6 on the east side of SH-288. Of additional note, the top portion of the floodplain is potentially held back by bridges or siphons at the Railroad and / or Bricoe Canal.



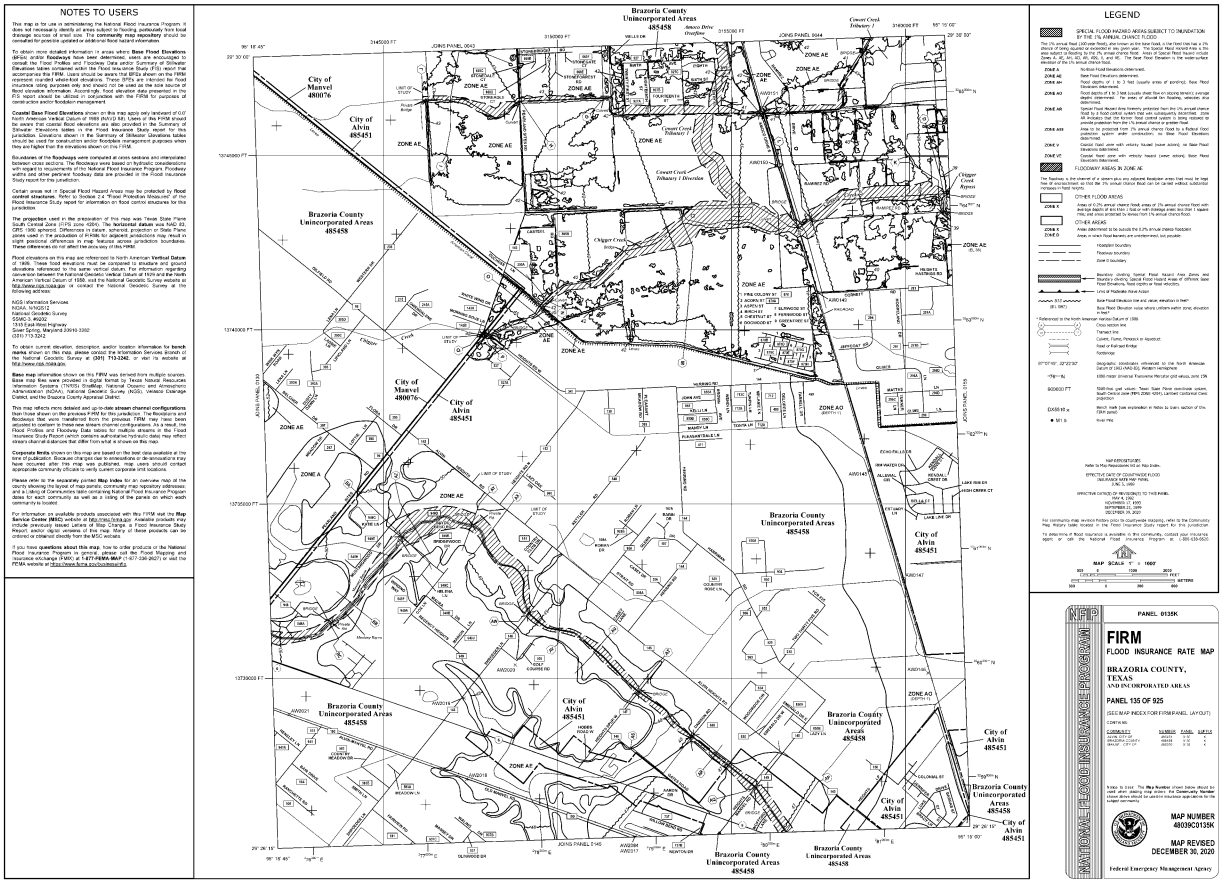
Panel 0120K – December 30, 2020

The City of Manvel jurisdiction is limited to a tiny portion in the top right corner of the map. The panel shows significant inundation areas along the West Fork, North Hayes, and South Hayes which are all tributaries of Chocolate Bayou.



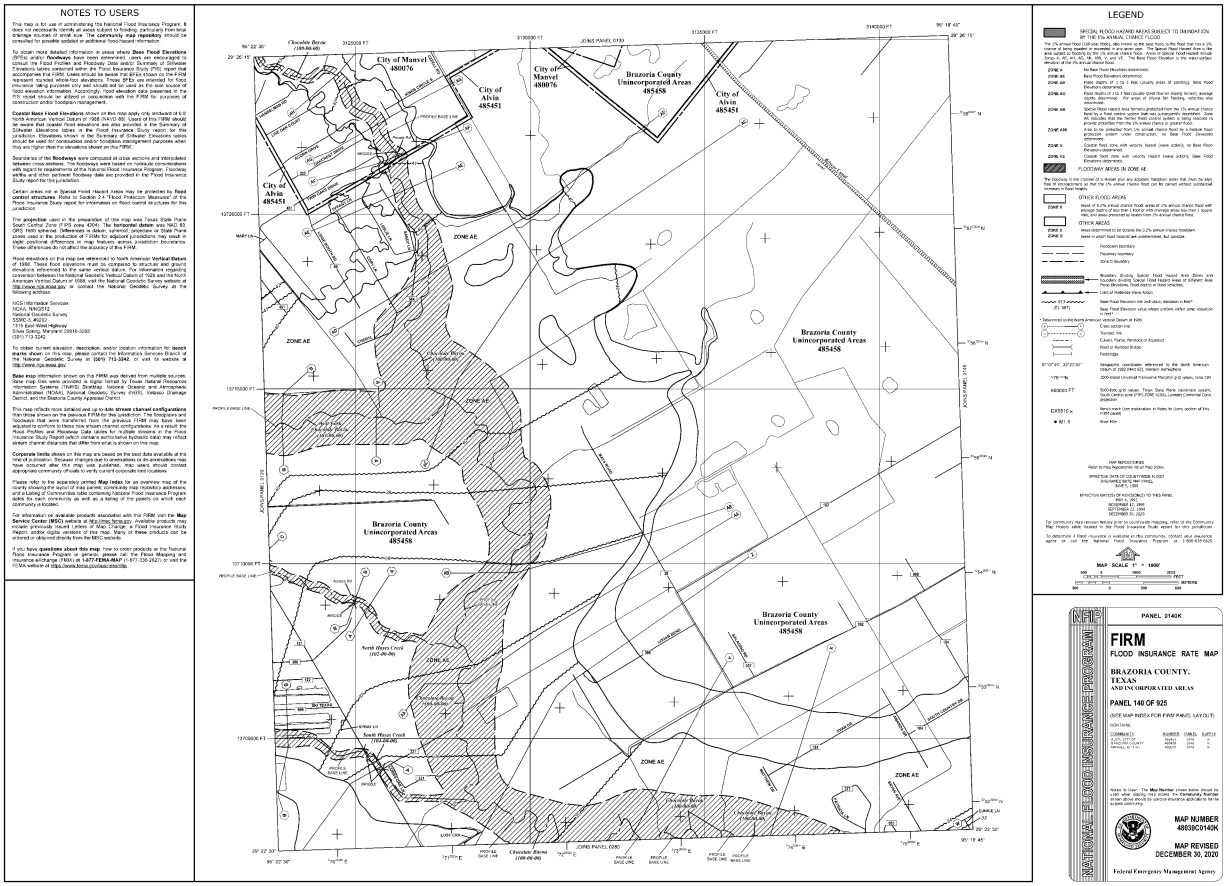
Panel 0130K – December 30, 2020

This panel shows the more central portion of Manvel on the north and south sides of Highway 6. A significant amount of floodplain appears along Mustang Bayou. Of additional note are the apparent restriction or blocking of water created by the Briscoe Canal in the lower left part of the map and Highway 6 in the lower right portion of the map.



Panel 0135K – December 30, 2020

This panel shows predominantly the City of Alvin, City of Pearland and unincorporated parts of the County. A small portion of Manvel is shown along the left edge and has a similarly small inundation area within the Mustang Bayou watershed.



Panel 0140K – December 30, 2020

A small portion of the City of Manvel within the Chocolate Bayou floodplain appears in the top left portion of this panel. The majority of this panel shows other cities or unincorporated parts of Brazoria County.

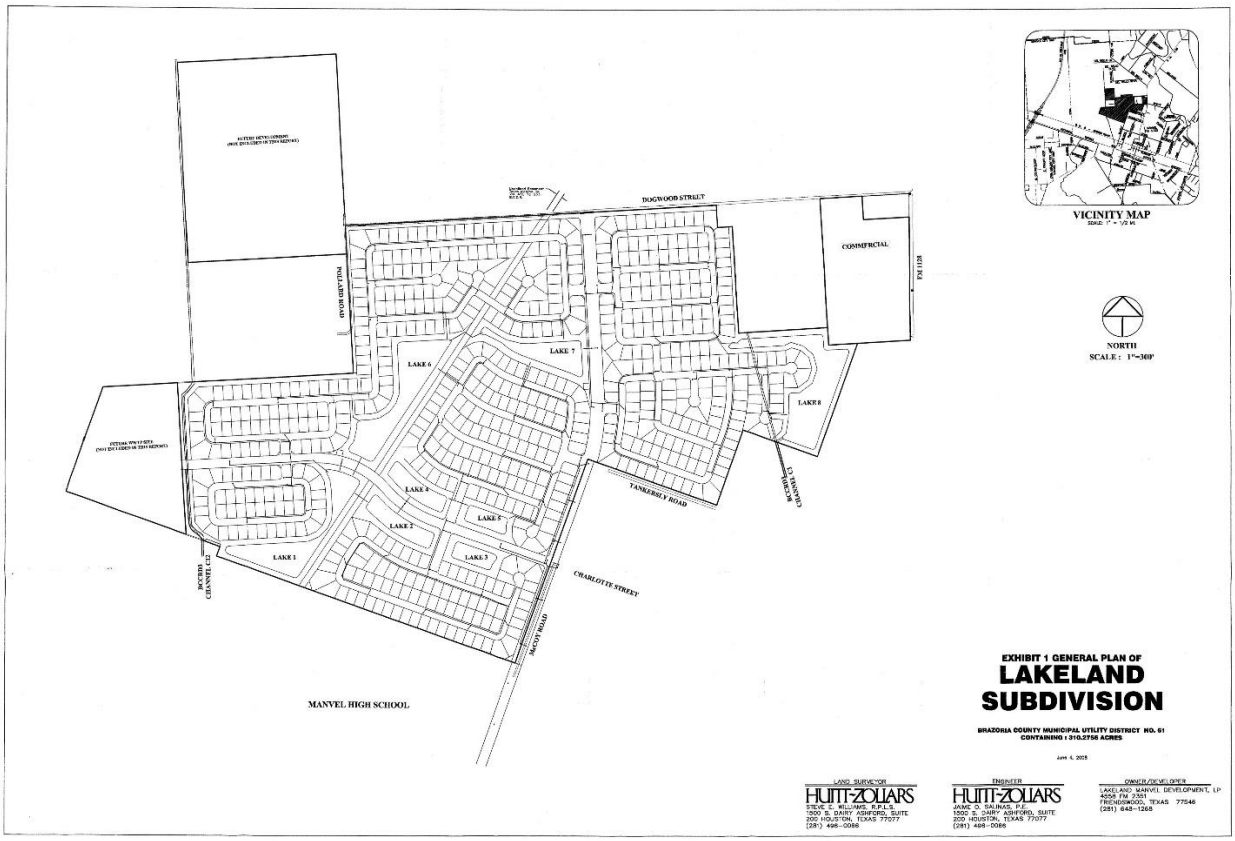
Recent and Proposed Development

Since the 2014 Klotz MDP was issued, there has and will continue to be significant development within the City of Manvel. For the purposes of this Master Drainage Plan addendum, our primary goal is to mention most of the major recent and proposed development to document the significant changes to drainage within the City.

Because all new developments are subject the requirements in the City of Manvel's Design Criteria Manual we can make the following statements about these recent and proposed developments:

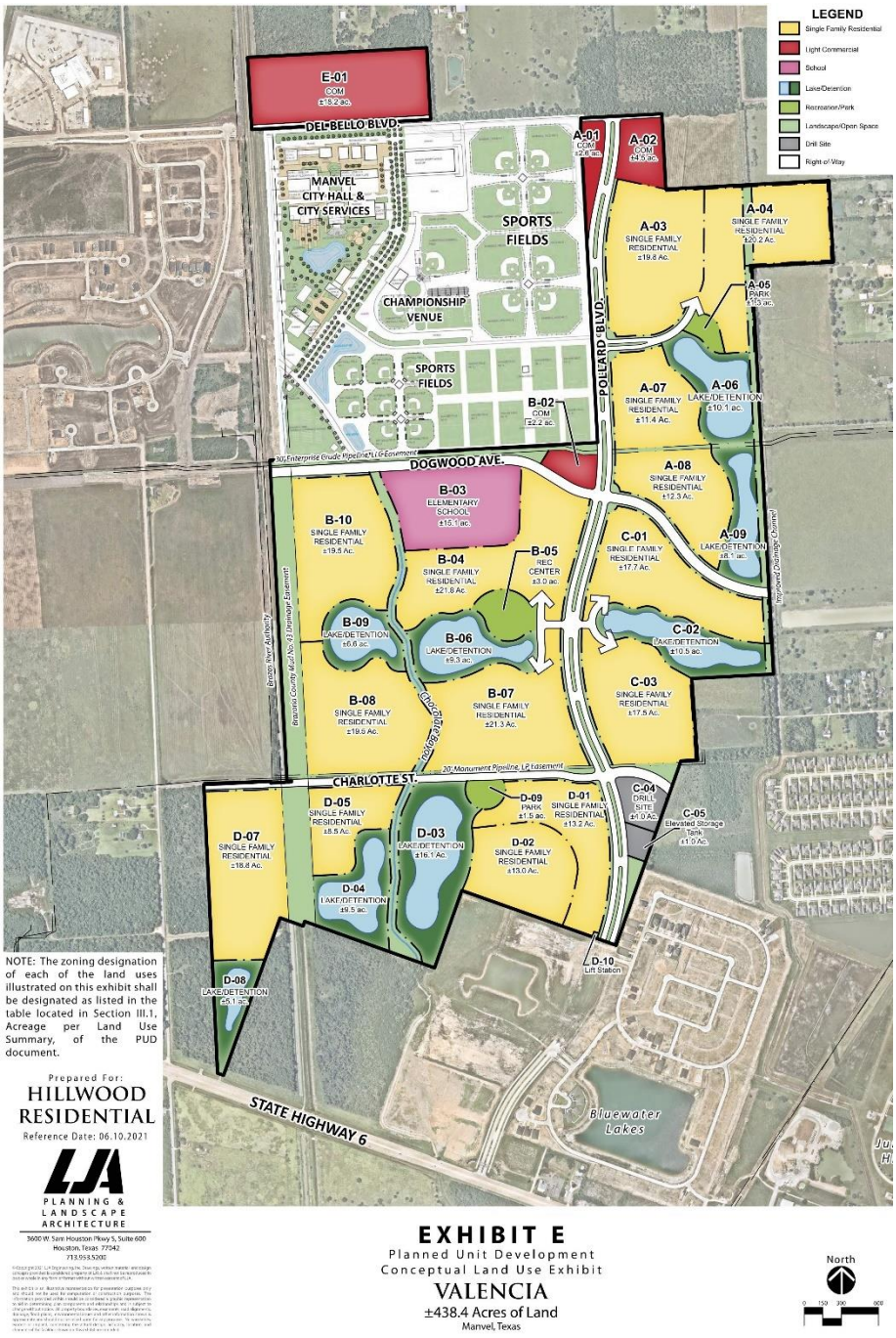
1) Development has / will provide the requisite amount of detention to ensure that all increased stormwater runoff will be adequately mitigated on site. As a result, existing (pre-development) runoff will remain the same or in some cases be reduced.
2) Development within the floodplain has / will be required to provide compensatory cut (additional mitigation above and beyond detention) for any fill placed within the floodplain. As a result, existing floodplain will typically be reduced as it relocated to the mitigation ponds within the development. In other words, the footprint is reduced as the equal volume is placed in a deeper pond with a smaller footprint than before.
3) Development has / will dedicate the requisite ultimate drainage easement for the major drainage channels within the City of Manvel per the Master Drainage Plan as these developments are platted.

Some examples of recent and proposed major developments within the City of Manvel are as follows:



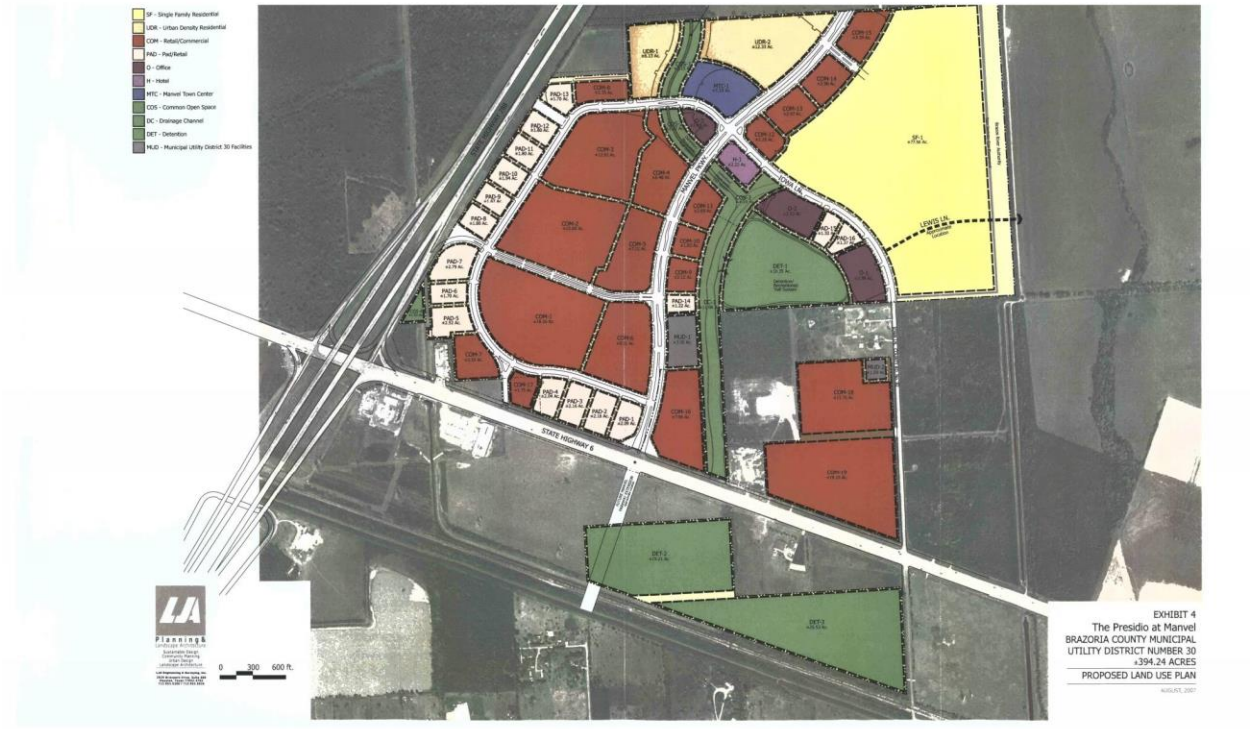
LakeLand

A 310 acre development north of the Manvel High School which is predominantly single family residential development but also includes a small amount of commercial development.



Valencia

A 438 acre development east and south of the Del Bello development which includes single family residential lots, the City Center project, and elementary school, and commercial development.



Presidio

A 394 acre development east of SH-288 and north of Highway 6 which includes commercial, retail, hotel, and single family development. The contemplated project appeared to be idle at the time of this report.

Bluewater Lakes

A predominantly single family development north of Highway 6 and west of the Manvel High School.

Reports of Flooding

In the early stages of developing this amendment to the MDP, Our team met with City Staff for the purposes of identifying flood prone areas based upon their own first hand information or the feedback from citizens.

Two areas were the focus of our meeting with Staff.

CR 89 West of Patterson Road

Staff reported incidents of flooding and high water along CR 89 between Old Chocolate Bayou Road and Patterson Road. CR-89 is an asphalt road with one lane in each direction. Shallow roadside ditches with minimal fall, nearby heavy vegetation, and standing water were observed during a site visit. The potential project for this area will be further discussed later in this MDP addendum.

FM 1128 at Scott Street

Staff reported incidents of flooding and high water in the vicinity of FM-1128 at Scott Street. FM-1128 is an asphalt road with one lane and a full shoulder in each direction. Shallow roadside ditches were observed during a site visit. Scott Street is drained by shallow roadside ditches with nearby vegetation based upon the same site visit. The potential project for this area will be further discussed later in this MDP addendum.

Repetitive Loss Data

In discussions with City Staff, it was determined that there were relatively few cases of significant repetitive loss. Further review of the repetitive loss date did not provide any clearly defined areas with dense groups of flooding occurrence.

Drainage Obstructions

In Section 2.6.3 of the 2014 MDP, Klotz discussed the presence of drainage obstructions and impediments within the City of Manvel. The list of obstructions within the City of Manvel include Highway 6, the railroad south and parallel to Highway 6, and the GCWA and Briscoe Canals. A review of the 2020 FEMA FIRM panels further illustrates this.

As a result of these impediments, it is difficult to get stormwater runoff downstream to the Gulf of Mexico. Although the solution to these issues seems to be as simple as removing the obstructions or increasing the opening to allow more water through, it is not that easy. Watersheds downstream of these pinch points are extremely sensitive to increased stormwater flows. As a result, any project proposing to widen or open up these crossings must also typically include compensatory detention mitigation potentially in very significant quantity.

Section 3 Drainage Projects

Klotz Scenario 1

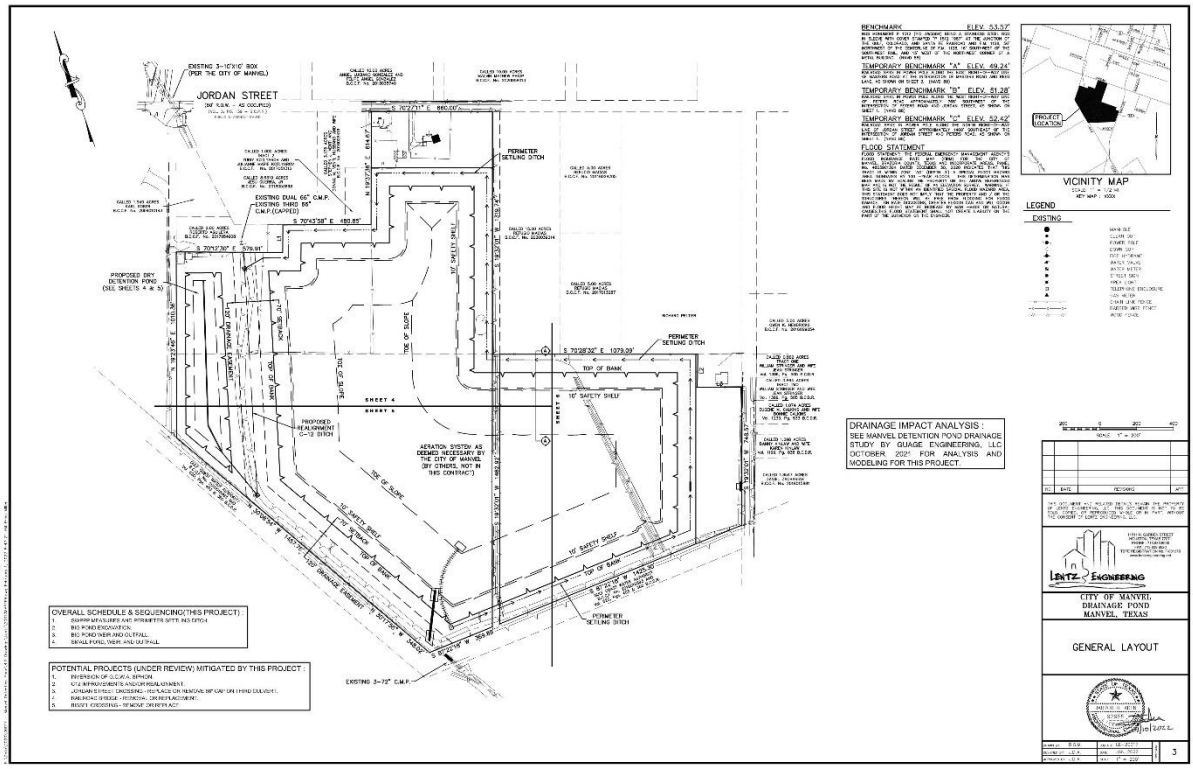
Section 3.7.1 of the Klotz MDP provides discussion regarding their analysis of the City of Manvel's major drainage ways and promotion of channel improvements that would convey the 100 year pre-developed (existing) flows within the banks of it's creeks. Additionally, a determination has been made regarding the minimum total width drainage easements needed to construct these channels to their 100-year capacity. Our scope did not include any updated modeling however We agree that obtaining these ultimate width drainage easements needs to be an on-going priority for the City of Manvel.

Klotz Scenario 2

Section 3.7.2 of the Klotz MDP provides discussion regarding their analysis of the City of Manvel's major drainage ways and promotion of channel improvements that would convey the 100 year post-developed (proposed) flows within the banks of it's creeks. In anticipation of other future development, this scenario would include detention mitigation to offset those future developments.

This scenario calls for additional right-of-way and additional land for detention mitigation on top of considerable construction costs to complete the work. Based upon the rate at which development continues to come into the City of Manvel, it seems a more reasonable approach would be for development to provide any required ultimate width drainage easements based upon pre-developed (existing) flows and to provide detention on site to mitigate for their developments.

117 Acre Master Road Detention Project



The City of Manvel has approved the construction plans prepared by Lentz Engineering, LLC for the 117 acre detention pond at Masters Road. This project is covered in detail in the Manvel Detention Pond Drainage Study prepared by Gauge Engineering, LLC but the key points made in that study are as follows:

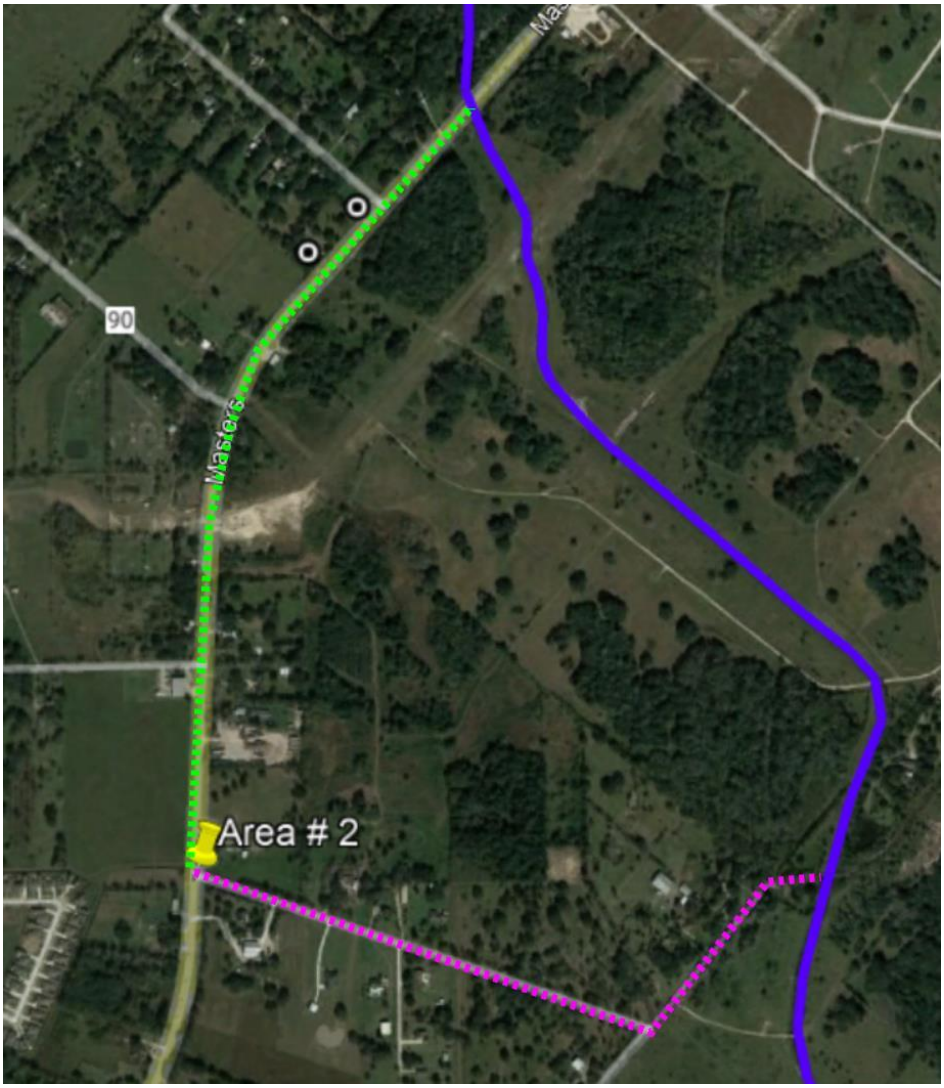
1) The project would create over 1,000 acre feet of detention storage.
2) The project would dedicate the required ultimate drainage easement for the C-12 ditch and realign that ditch's configuration to be straighter and maximize detention on site.
3) The project creates the opportunity to improve drainage and flooding upstream of the GCWA freshwater canal.
4) The project creates the opportunity to remove the Bissel Road culvert.
5) The project creates the opportunity to reconfigure the existing railroad bridge.
6) The project creates the opportunity to reduce flooding up to and north of Highway 6.

Area # 1 – CR-89 between Old Chocolate Bayou Road and Patterson Road

The CR-89 project was identified by Manvel Staff during one of Our meetings to discuss flood prone areas within the City. The City identified the area of concern (Area # 1 marker) and three potential alternative drainage improvement project as shown in green, pink, and orange above.

Although a complete design and analysis was not within the scope of this effort, we preliminarily estimate easement acquisition costs between $130,000.00 and $180,000.00 and storm sewer construction costs between $215,000.00 and $300,000.00 for a total estimated construction cost between $345,000.00 and $480,000.00.

Area # 2 – FM-1128 at Scott Street



This additional flood prone area was identified by City Staff in our meetings. The City identified the area of concern (Area # 2 marker) and Our team identified two potential alternative drainage improvement projects as shown in green, and pink above.

Although a complete design and analysis was also not within the scope of this effort, we preliminarily estimate easement acquisition costs between $345,000.00 and $410,000.00 and storm sewer construction costs between $575,000.00 and $700,000.00 for a total estimated construction cost between $920,000.00 and $1,110,000.00. Our team would further offer that the FM-1128 alignment is undesirable unless there might be an opportunity to partner with TxDOT.

Mustang Bayou Regional Detention Pond

The exhibit above shows an existing sand pit site which the City of Manvel owns. The site is located on the south side of Mustang Bayou just east of Sedona Lakes and the Oak Crest modular home park.

Our team identified this project based upon prior experience in repurposing old sand pits as regional detention ponds. One such successful project is at the east end of My Road in Alvin, Texas. These projects have proven to be cost effective ways to create detention due to the significant reduction in hauling costs.

We would further add that there is an apparent need for available sites to dispose of clean spoils as evidenced by the existing fill site directly across CR-90 from this location. There appears to be an opportunity to modify this sand pit into a detention pond at relatively low cost as compared to traditional detention pond construction. Detailed design of this facility and preliminary estimates of costs are not within the scope of this effort. Costs could vary significantly based upon the actual approach to constructing this facility.

Our team reviewed aerial topography for this site and We estimate that existing side slopes of this sand pit are between 1.5:1 and 2:1. We further estimate that 15,000 – 25,000 cubic yards of clean fill material would be needed to restore these slopes to a stable 4:1 slope.

Based upon preliminary analysis, Our team determined that no less than 400 acre-feet of detention could be created for the purposes of reducing water surface elevations along Mustang Bayou in the vicinity of portions of the City of Manvel which are within the mapped floodplain. The project conceived above is based upon an assumed gravity drain, permanent wet lake design. The completed project might additionally create a nice park amenity for the City of Manvel.

Cherry Sand Pit Alternative

A similar sand pit rehabilitation project was identified in Section 5.1.3 of the 2014 Klotz MDP. The location is south of Highway 6 and east of SH-288. Based upon our review of the updated FEMA FIRM panel 0110K provided above, this area does not appear to be particularly inundated by floodplain. Additionally, the eminent or proposed Manvel Town Center projects appear to be moving forward without delay. Although the detention rates required for some of these projects are far more than typical projects, that fact does not appear to be discouraging or restricting development within the area.

Section 4 Funding

Estimated Costs

Section 5.2 of the Klotz MDP provides cost estimates for the Scenario 1 and Scenario 2 projects outlined in their report. In round figures, both scenarios were estimated to cost $125 million. To the extent that this MDP addendum did not further analyze those two scenarios, there is no reason to perform an updated cost estimate on either scenario.

For the other projects that Our team introduces to the City of Manvel for consideration above, we have provided some estimates of construction costs and other pertinent information for the purposes of assisting Manvel in identifying potential drainage improvement projects to further analyze and evaluate to a greater degree. For the smaller projects identified above, preliminary ranges of cost estimates are provided to assist the City in eliminating them as possibility or designing and analyzing them to a greater degree.

Funding Sources

Section 4 of the Klotz MDP provides an extremely thorough discussion about a wide variety of grant and funding which may be available through a wide variety of sources. Our scope of work did not include research of new grant or funding opportunities and this is admittedly outside Our area of expertise.

Instead of offering further input on how the City might fund drainage projects, we would like to point out again the potential opportunity for partnering with any one of three drainage districts with overlapping authority. Although these districts generally have modest annual budgets, they have the equipment and manpower required to complete in whole or in part any number of the projects outlined above.

Additionally, we have identified some possible drainage projects above which involve County or TxDOT roadways. As a result, Brazoria County or the Texas Department of Transportation are potential partners for some of these projects.

Section 5 Final Recommendations

In conclusion, the 2014 Klotz MDP and this addendum show that there are a wide variety of potential projects within the City of Manvel which would further improve drainage and reduce flooding. These projects vary greatly in size and cost. Additionally, as the leadership of the City of Manvel continues to evaluate and act on these opportunities, development seems to be thriving under the close and watchful eye of City Staff. With this in mind, we offer the following final recommendations to the City of Manvel:

1) Continue to observe and record the effects of heavy rainfall events for the purpose of mapping the most significantly affected areas and potential future drainage improvement or flood reduction projects.
2) Continue to watch and regulate development within the City of Manvel to ensure strict conformance with the City's Design Criteria Manual and the City's Master Drainage Plan. As additional development occurs, new and improved drainage infrastructure will be constructed in addition those developments providing the requisite mitigation quantities to maintain or reduce existing (pre-development) runoff amounts.
3) Continue to require drainage easement dedications from new development at the time of platting in strict conformance with the City's Master Drainage Plan. These ultimate width drainage easements will be essential at such time that the City and / or other drainage partners have the necessary resources to further improve the channels and creeks within the City.
4) Continue to evaluate available budget money and potential grant or funding sources for the purpose of determining which drainage improvement and flood reduction projects are too expensive to be considered in the near to short term.
5) Continue to work with partner agencies to pool funding and resources to complete projects which benefit all of the agencies involved.

Brazoria County Conservation and Reclamation District No. Three

P.O. Box 789
ALVIN, TEXAS 77512-0789

BOARD OF COMMISSIONERS
RICKY KUBECZKA, Place #1
ALFRED FROBERG, Place #2
JODY SCHIBI, Place #3

FAX 281-331-6761
TELEPHONE 281-331-3433
1318 ROSHARON ROAD

To: City Of Manvel
From: Richard Mclaren
Date: September 7, 2022
Subject: (LONO) Updated Master Drainage Plan (July 29, 2022)

The Brazoria County Conservation Reclamation District # 3 (BCCRD#3) has reviewed the updated Master Drainage Plan of the City Of Manvel, prepared by Lentz Engineering. This drainage report is served as an update of the 2014 Klotz MDP to reflect changes of drainage, new floodplain data, and developments within the City Of Manvel.

BCCRD#3 does not have any objections to the Drainage Plan update of The City Of Manvel.

Please note that any changes made within BCCRD#3 facilities or drainage easements will need to be reviewed by our District Engineer and approved by our board of commissioners before the work takes place.

Richard McLaren

Thank You,
Richard Mclaren
General Manager
Brazoria County Conservation & Reclamation District #3

From:	Dan Johnson
To:	Kyle Jung; Tammy Bell
Cc:	Jessica Rodriguez; Elaine Graham; Gilbert Salas; Robbie Hall
Subject:	11/07/2022 Consent Agenda - Bluewater Lakes Section 3
Date:	Thursday, October 27, 2022 2:49:36 PM
Attachments:	image002.png

Kyle and Tammy,

In order to conclude the maintenance period which began on May 7, 2018, a final inspection walk-through has been conducted for:

Bluewater Lakes Section 3

All punch list items have been addressed and we recommend that City Council accept the infrastructure improvements for this project and release the associated Maintenance Bonds.

Please let me know if you need any further information.
~Dan

Daniel S. Johnson, P.E., CFM
Assistant City Manager
City Engineer
20025 Highway 6
Manvel, Texas 77578
(281) 489-0630

www.cityofmanvel.com

From:	Dan Johnson
To:	Kyle Jung; Tammy Bell
Cc:	Gilbert Salas; Jessica Rodriguez
Subject:	11/21/2022 Consent Agenda - Meridiana Section 54A
Date:	Friday, November 18, 2022 9:16:42 AM
Attachments:	image001.png image002.png

Kyle and Tammy,

In order to begin the one-year maintenance period, a final inspection walk-through has been conducted for:

Meridiana Section 54A

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.
~Dan

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Assistant City Manager
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Manvel, Texas 77578
(832) 336-4049

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From:	Dan Johnson
To:	Kyle Jung; Tammy Bell
Cc:	Gilbert Salas; Jessica Rodriguez
Subject:	11/21/2022 Consent Agenda - MUD 56 Lift Station
Date:	Thursday, November 17, 2022 4:28:32 PM
Attachments:	image002.png image006.png

Kyle and Tammy,

In order to begin the two-year maintenance period, a final inspection walk-through has been conducted for:

MUD 56 Lift Station

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.
~Dan

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MANVEL
CITY COUNCIL
DATA SHEET

MEETING DATE: November 21, 2022

TOPIC: Consideration and possible action to approve an electric easement located near the Maverick Water Plant.

BACKGROUND: CenterPoint will be installing new electrical service to the water plant alleviating all financial charges from Manvel High School in regards to electrical usage. To do so they will utilize the right-of-way along C12 but will need an easement along the property previously deeded to the City from AISD.

STAFF RECOMMENDATION: City staff recommends approval of granting the electric easement.

ATTACHMENTS: City of Manvel Easement

FUNDING ISSUES

_X_ Not applicable
___ Not budgeted
___ Full amount already budgeted
___ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER Adewale Taiwo – Capital Projects Manager	**FINANCE DIRECTOR APPROVAL** _____ **CITY MANAGER APPROVAL** _____

ELECTRIC EASEMENT

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS }
KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF BRAZORIA }

THAT, City of Manvel, a political subdivision of the State of Texas, its successors and assigns, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of ONE DOLLAR ($1.00) CASH to Grantor paid by CenterPoint Energy Houston Electric, LLC, its successors and assigns, hereinafter referred to as "Grantee", whose principal address is P. O. Box 1700, Houston, Texas 77251-1700, has **GRANTED, SOLD AND CONVEYED** and by these presents, does **GRANT, SELL AND CONVEY** unto said Grantee, all or in part, an exclusive, perpetual easement, hereinafter referred to as the "Easement", for electric distribution and related communications facilities consisting of a variable number of wires and cables and all necessary and desirable equipment and appurtenances, including, but not limited to, towers or poles made of wood, metal or other materials, props and guys, hereinafter referred to as "Facilities", located within a portion of the following described lands owned by Grantor, ("Grantor's Property"), to wit:

> That certain 1.090-acre tract of land being out of and a part of Restricted Reserve "A" in Block 1 of Final Plat of Alvin I.S.D. High School No. 2, a subdivision situated in the Mary V. O'Donnell Survey, Abstract 483, Brazoria County, Texas, being the same property described as "Exhibit A" in a deed from Alvin I.S.D. to City of Manvel, dated October 26, 2021 and filed for record under County Clerk's File No. 2021076186 in the Official Public Records of said County and State.

The unobstructed easement area(s) herein granted, hereinafter referred to as the “Easement Area”, whether one or more, are described as follows:

1. An easement ten (10) feet wide, the location of the centerline of which is shown by the dot-dash symbol on Plat No. 22-0710, attached hereto and made a part hereof, together with unobstructed aerial easements ten (10) feet wide, beginning at a plane sixteen (16) feet above the ground and extending upward, located on both sides of and adjoining said ten (10) foot wide easement.

2. An unobstructed aerial easement thirty (30) feet wide, beginning at a plane sixteen (16) feet above the ground and extending upward, the location of the centerline of which is shown by the dot-dash symbol on said attached Plat No. 22-0710.

Grantor shall observe and exercise all notification laws as per the Underground Facility Damage Prevention and Safety Act, also known as "ONE CALL" & "CALL BEFORE YOU DIG", when working in or near the Easement Area.

To the extent that such laws and codes apply to Grantor, its successors and assigns, Grantor, its successors and assigns shall observe all safety codes and laws which apply to working along, within and/or near the Easement Area and Facilities during construction activities and safe clearance from such Facilities, including the Occupational Safety and Health Administration (“OSHA”), Chapter 752 of the Texas Health and Safety Code (“THSC”), the National Electric Code (“NEC”), and the National Electrical Safety Code (“NESC”).

Absent written authorization by the Grantee, all utility and aerial easements must be kept unobstructed from any non-utility improvements or obstructions by Grantor. Any unauthorized improvements or obstructions may be removed by Grantee at the Grantor’s expense. While wooden posts and paneled wooden fences along the perimeter and back-to-back easements and alongside rear lots lines are permitted, they too may be removed by Grantee at the Grantor’s expense should they be an obstruction. Grantee may put said

wooden posts and paneled wooden fences back up, but generally will not replace them with new fencing.

Grantee shall not deny or obstruct ingress or egress to or from Grantor's Property, and Grantor retains all rights to cross the Easement Area for access, but not interfering with the utility purpose for which the Easement is granted. Grantor shall have the right to construct or locate in a near perpendicular fashion, utilities, drainage ditches, roadways, driveways, across, but not along or solely along, within or under the Easement Area herein granted. Grantor assumes all responsibility for the cost of constructing, paving and maintaining said roadways or driveways within easement crossing areas. In the event Grantor constructs, or causes to be constructed, any utilities, drainage, ditches, roadways, and/or driveways which results in the relocation of Grantee's Facilities, the Grantor will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities. Grantor is prohibited from using the Easement Area for stockpile, spoil, water retention or detention, or lay down areas.

Grantee shall also have reasonable rights of ingress and egress to and from said Easement Area, together with reasonable working space, for the purposes of erecting, installing, operating, maintaining, replacing, inspecting, and removing said Facilities, together with the additional right to remove from said Easement Area and Grantor's Property immediately adjoining thereto, all bushes, trees and parts thereof, or other structures or improvements which are within, protrude, bisect, encroach or overhang into said Easement Area and which, in the sole opinion of Grantee, endanger or may interfere with the efficient, safe and proper operation, and maintenance of said Facilities. Further, in the event dead or dangerous trees exist within the fall range of overhead electrical facilities, then Grantee shall have the right to take down dead or dangerous trees based on

Grantee's discretion.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, forever, and Grantor does hereby bind itself and its successors, heirs, assigns, and legal representatives, to fully warrant and forever defend all and singular the above described Easement and rights unto said Grantee, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise. In the event of a deficiency in title or actions taken by others which results in the relocation of Grantee's Facilities, the Grantor herein, its successors and assigns, will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities.

The terms, conditions and provisions contained herein constitute the complete and final agreement between Grantor and Grantee, (collectively the "Parties") with respect to the subject matter hereof and supersedes all prior agreements, representations and understandings of the Parties and, by Grantor's signature affixed hereto and Grantee's use of the Easement, the Parties evidence their agreement thereof. No oral or written agreements made or discussed prior to, or subsequent to, the execution of this Easement shall supersede those contained herein. Any and all revisions, amendments and/or exceptions to the terms, conditions and provisions contained in this Easement shall be in written, recordable form and executed by both parties, or their respective successors or assigns in order to be deemed valid.

EXECUTED this _____ day of _____, 20_____.

City of Manvel, a political subdivision of the State of Texas

BY:_____
Signature

_____
Name typed or printed

_____
Title

STATE OF TEXAS }

COUNTY OF_____}

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, _____ of City of Manvel, a political subdivision of the State of Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (__)he executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

Given under my hand and seal of office this ____ day of _____, 20____.

_____
Notary's Signature

_____
Name typed or printed

_____
Commission Expires

AFTER RECORDING RETURN TO:
SURVEYING & RIGHT OF WAY
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC
P. O. BOX 1700
HOUSTON, TX 77251-1700

REV.1: JOB NO.	BY:	DATE:	REV.2: JOB NO.	BY:	DATE:

EASEMENT – UNOBSTRUCTED
COUNTY: BRAZORIA
SURVEY DATE: 11/1/22
SCALE: 1" = 60'
FILE NO. – BOOK: 2022

LAST PLOT DATE: 11/8/22
DRAWN BY: K.A.G.
MAP NO: 5445A4
JOB NO: 104586866
CHECKED BY: M.T.R.

CenterPoint Energy
SURVEYING & RIGHT OF WAY
P.O. Box 1700 Houston, TX 77251-1700
713-207-2222
Firm Number: 10027400

PLAT NO. 22-0710

30 0 30 60 90
SCALE IN FEET

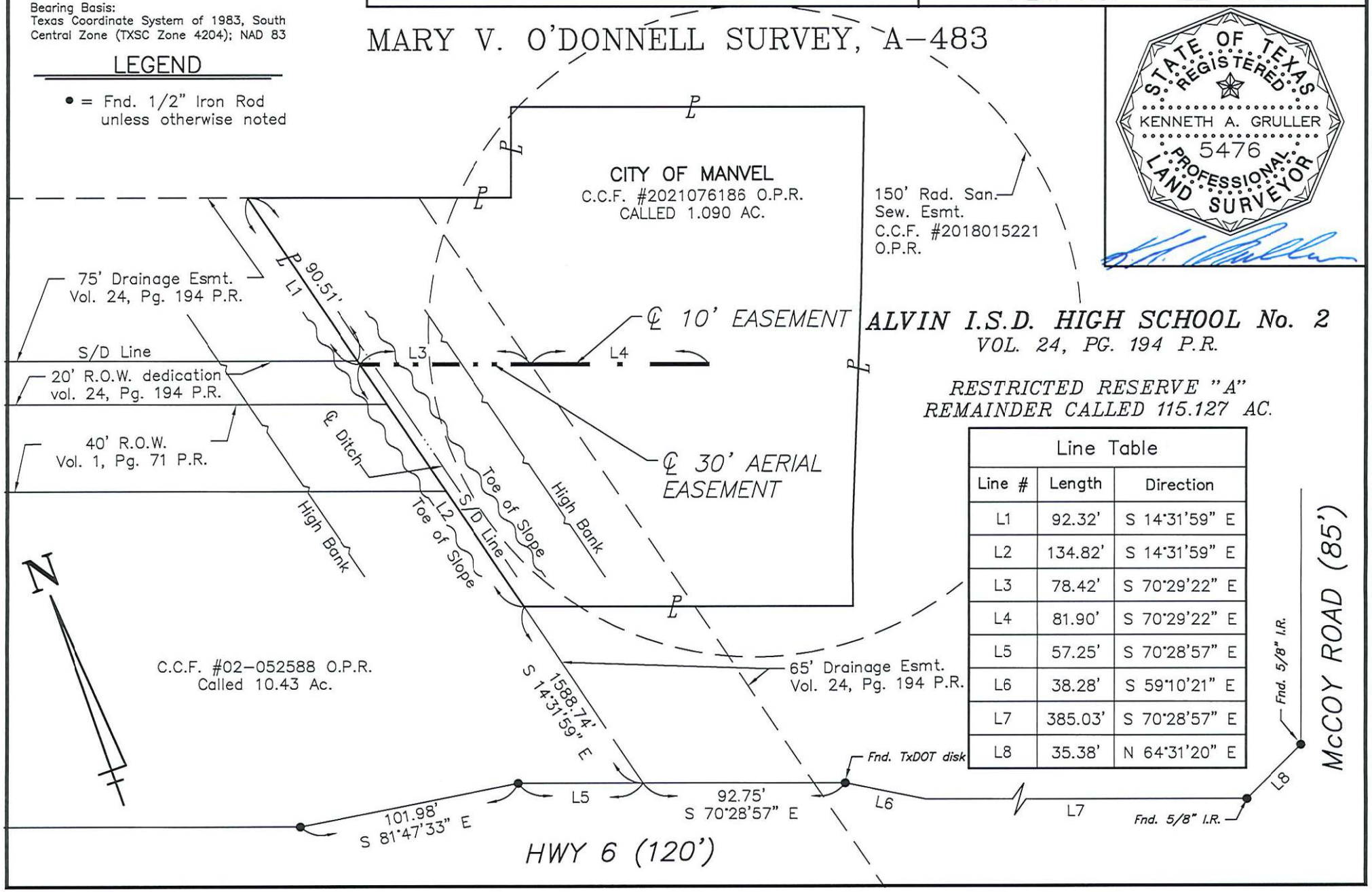
NOTE: THE EXTERIORS OF ALL EASEMENTS ARE TO INTERSECT WITH THE EXTERIORS OF ALL ADJOINING EASEMENTS OR WITH ADJOINING PROPERTY LINES.

Bearing Basis:
Texas Coordinate System of 1983, South Central Zone (TXSC Zone 4204); NAD 83

LEGEND

• = Fnd. 1/2" Iron Rod unless otherwise noted

STATE OF TEXAS
REGISTERED
KENNETH A. GRULLER
5476
PROFESSIONAL LAND SURVEYOR



Line Table		
Line #	Length	Direction
L1	92.32'	S 14°31'59" E
L2	134.82'	S 14°31'59" E
L3	78.42'	S 70°29'22" E
L4	81.90'	S 70°29'22" E
L5	57.25'	S 70°28'57" E
L6	38.28'	S 59°10'21" E
L7	385.03'	S 70°28'57" E
L8	35.38'	N 64°31'20" E

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICCOLE TYSON, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6

DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MINUTES 11/7/2022

Workshop Session - 5:00 p.m.

Mayor Davison called the workshop of the Manvel City Council to order at 5:00 p.m.
Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City Council Member Place 3 Niccole Tyson
City Council Member Place 4 Ed Perry
City Council Member Place 5 Jason Albert
City Council Member Place 6 Jerome Hudson

Absent: None

Also Present: Kyle Jung, City Manager
Robert Gervais, City Attorney
Dan Johnson, Assistant City Manager/City Engineer
Jessica Rodriguez, Director of Development Services
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Gilbert Salas, Directory of Community Services
Joe Murray, Fire Marshal
Brooke Cyphers, Public Information Officer

Discussion on:
*Special Events Policy,
**Code of Ordinances, Chapter 33 Food and Food Handlers, and*
**Code of Ordinances, Chapter 35 -Article X - Mobile Food Vendors*.

Joe Murray on Special Events Policies:
Researched surrounding cities. They all require the Fire Marshal to do inspections on events dependent upon the event. Pearland has a Type A and Type B events and subcategories help determine specific requirements. Spoke with Fire Marshals in Alvin and Iowa Colony and Deputy FM in Friendswood to compare policies.

Chief Keith Traylor on Draft of Mobile Food Vendors Ordinance:
Researched several cities that allow mobile food vendors and came up with an ordinance that has a better definition of what a mobile food vendor/truck is and classifies them, what you can and can't do, and further defines the requirements based off of their different classifications. Looked at the inspection and permitting side of it and is something that needs to be further discussed and clarified. Do we want to permit each event or yearly? Some cities do yearly. For inspections, do we want to allow inspections from other cities? This draft ordinance is just laying a base so we can refine and come back based on what Council wants.

Kyle Jung:
Tells Council that there needs to be direction from Council on what they want so staff knows what to present in the Ordinance

Council Member Tyson:
Is there a reason that we would want to require a city inspection if it's already been inspected by another city or county?

Kyle Jung:
As long as it's as, or more, stringent than the inspection process that we put into place.

Jason Albert:
Wants staff to go out and look at other cities and compile a list of what cities we would accept inspections on.

Chief Traylor:
All cities have adopted and follow state-wide international code. So, when cities are inspecting these, they should be inspecting them based on those regulations. He put in restrictive and non-restrictive definitions. Restrictive is pre-packaged, non-restrictive is cooked on-site.

Lorraine Hehn:
Does want to follow the permitting procedure that other cities do, just doesn't want it to be cumbersome.

Niccole Tyson:
What is the current permitting process?

Kyle:
Goes through Development Services. Then whoever else needs to be involved after that, can be.

Jessica Rodriguez:
If we can streamline the permitting process and clarify policies, it will make things a lot better.

Mayor Davison:
How do people know that they need to come to the City for an event? Jessica answered that most people do know now.

What is the time period that's acceptable? Jessica answered that at least more than 48 hours would be acceptable as a lot of things come in last minute.

Lorraine Hehn:
City approved events seems to be a big hang up. Is this something we need to consider removing? If it's city sponsored, it makes another hurdle. Jessica answers that truthfully, they've not had one they turned down or disapproved.

Jason Albert: Maybe not disapproved, but didn't happen. The New Hope event that didn't happen is an example. From that he wants staff is what happened, what failed, and what do we need to fix so that problem doesn't happen again?
Jessica answered that the big hurdle in that event was temporary food vendors. We did not allow them. Since then, in June, Council amended that ordinance, we allow it now. That was a road block as staff that we couldn't do anything about. We heard you and we changed it.

Mayor Davison:
Thinks we are on a good path to get ourselves to a place like our neighboring cities and past these growing pains.

Jason Albert:
For the sign ordinance, would like to make some sort of exception for real estate signage on busy roads, because the allowable sign is very small.
Jessica responded with that they could put language in there that says if it's on a major thoroughfare it can be larger. Jason is happy with that change.

Kyle Jung:
Yanni Palms went bankrupt and everything developmentally has expired. Talks about a development agreement with the new development here, now called Manvel Palms.

Kyle Jung:
Wrong section for Bluewater Lakes Section 2 on the Consent Agenda. Should be Section 3. This item will be stricken from the agenda and moved to the next meeting.
Discussion on any topic as listed on the agenda dated 11/7/2022

The Workshop adjourned at 5:52 p.m.

Regular Session - 6:00 p.m.

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 6:02 p.m.
Those in attendance were:

Present:	Mayor Debra Davison City Council Member Place 1 Larry Akery City Council Member Place 2 Lorraine Hehn City Council Member Place 3 Niccole Tyson City Council Member Place 4 Ed Perry City Council Member Place 5 Jason Albert City Council Member Place 6 Jerome Hudson
Absent:	None
Also Present:	Kyle Jung, City Manager Robert Gervais, City Attorney

Dan Johnson, Assistant City Manager/City Engineer
Jessica Rodriguez, Director of Development Services
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Gilbert Salas, Directory of Community Services
Joe Murray, Fire Marshal
Brooke Cyphers, Public Information Officer

Inspirational Reading - Council Member Hudson

Pledge

Public Hearing

TO HEAR COMMENTS ON A REQUEST FOR CLOSURE AND ABANDONMENT OF A 40 FOOT WIDE UNNAMED AND UNIMPROVED ROAD EASEMENT OF RECORD IN VOLUME 3, PAGE 139, OF THE BRAZORIA COUNTY PLAT RECORDS, IN THE M.V. O'DONNEL SURVEY ABSTRACT NO. 479 BEING PART OF 116.90 ACRE TRACT INCLUDING TRACT 1 - 35.298 ACRES AND TRACT 2 - 80.247 ACRES IN BCCF # 2020004157.

Mayor Davison opened the Public Hearing at 6:05 p.m.

1st call for comments - None
2nd call for comments - None
3rd call for comments - None

Mayor Davison closed the Public Hearing at 6:06 p.m.

Public Comments: "Comment Card" Required

None

City Manager Update

Covid update from last meeting
1 additional confirmed case
Total of 10 cases
6 probable, up 4
Up 15 recovered cases
1 death, 51 total
7,553 total cases

Cemetery, Crest Ridge, Georgia, and Alabama streets are all being paved with the help of the County.

Consent Agenda

1. Acceptance of the meeting minutes to date.

2. Final acceptance of the infrastructure improvements and release of the associated Maintenance Bonds for the following;
   Bluewater Lakes Section 1
   Bluewater Lakes Section 2

Del Bello Lakes Section 2
Del Bello Lakes Section 4

Jason Albert made the motion to strike "Bluewater Lakes Section 2" from item 2 of the consent agenda and to add items 1,2,7,8,9 from the Regular Agenda to the Consent Agenda and approve as amended. Lorraine Hehn seconded the motion. The motion carried with a vote of: 7/0 Council Member Jason Albert made the motion to approve the Consent Agenda as amended. Mayor Davison seconded the motion.

The motion carried with a vote: 7/0

Yes:	Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson
No:	None
Absent:	None
Abstained:	None

Regular Agenda

1. Consideration and possible action to select a Construction Manager at Risk (CMAR) for the police station project (construction of an approximate 44,000 sq ft police station); authorize the scope of work for the preconstruction services and approve a preconstruction services contract; authorize the City Manager to execute the agreement.

   This item was moved to the Consent Agenda.

2. Consideration and possible action to approve a burn ban for 30 days, and authorizing the Fire Marshal and or Mayor to lift it early should the Keetch-Byram Drought Index, as monitored and reported by the Texas Forest Service, reach and maintain 400 or less for five consecutive days.

   This item was moved to the Consent Agenda.

3. Consideration and possible action to fill the vacancy on the Zoning Board of Adjustment Board.

   Council Member Ed Perry made the motion to appoint Martina McNickles to the ZBOA. Council Member Lorraine Hehn seconded the motion.

   The motion carried with a vote: 7/0

Yes:	Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson
No:	None
Absent:	None
Abstained:	None

4. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-29; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE

CONTINUED EXISTENCE OF 40' CITY RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 1.354 ACRES OF LAND, BEING AN UNNAMED AND UNIMPROVED ROAD EASEMENT OF RECORD IN VOLUME 3, PAGE 139, OF THE BRAZORIA COUNTY PLAT RECORDS, IN THE M.V. O'DONNEL SURVEY ABSTRACT NO. 479 BEING PART OF 116.90 ACRE TRACT INCLUDING TRACT 1 - 35.298 ACRES AND TRACT 2 - 80.247 ACRES IN BCCF # 2020004157 IN THE CITY OF MANVEL, BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT. (FORWARDED WITH FAVORABLE RECOMMENDATION BY PD&Z).

Council Member Jason Albert made the motion to approve. Council Member Jerome Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None
Absent: None
Abstained: None

5. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-30; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 53. "SIGNS" BY REVISING THE REGULATIONS PERTAINING TO SIGNS WITHIN THE CITY OF MANVEL AND EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

Council Member Jason Albert made the motion to approve. Council Member Jerome Hudson seconded the motion.

The motion carried with a vote: 6/1

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: City Council Member Place 3 Niccole Tyson
Absent: None
Abstained: None

6. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-31; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING CHAPTER 50. *PLANNING AND DEVELOPMENT*, ARTICLE III. *COMPREHENSIVE PLAN*, BY AMENDING SECTION 50-53. *MASTER DRAINAGE PLAN* APPROVING THE UPDATE TO THE CITY'S MASTER DRAINAGE PLAN; PROVIDING FOR CONFORMITY OF

ALL DRAINAGE REGULATIONS TO THE 2022 MASTER DRAINAGE PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.

Council Member Lorraine Hehn made the motion to approve. Council Member Jerome Hudson seconded the motion.
The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson
No: None
Absent: None
Abstained: None

7. Consideration and possible action to approve Resolution 2022-R-18;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, APPROVING AN ADVANCE FUNDING AGREEMENT WITH TXDOT FOR THE REPLACEMENT/REHABILITATION OF THE BRIDGE ON PATTERSON ROAD AT MUSTANG BAYOU; PROVIDING THAT THE MAYOR IS AUTHORIZED TO EXECUTE THE AGREEMENT ANY AND ALL DOCUMENTS ASSOCIATED WITH THE TRANSACTION.

This item was moved to the Consent Agenda.

8. Consideration and possible action to approve Resolution 2022-R-19;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, APPROVING A DEVELOPMENT AGREEMENT WITH RIC (MANVEL) LLC FOR THE DEVELOPMENT OF A 131.18-ACRE TRACT OF LAND SITUATED IN BRAZORIA COUNTY MUD No. 29, (FORMERLY CALLED YANNI PALMS); CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

This item was moved to the Consent Agenda.

9. Consideration and possible action to approve Resolution 2022-R-20;
RESOLUTION CONSENTING TO THE ADDITION OF LAND INTO BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 40.

This item was moved to the Consent Agenda.

10. Consideration and possible action to direct staff on the maintenance of Carpenter Road and working with Brazoria County for the acceptance and dedication of Carpenter Road to the City.

Kyle Jung -
City Attorney got with Mary Shine with the County and they show that the County never accepted the road. The process would be to have the county first accept it, then transfer it to the city, then the city would accept the transfer so that it could become a city road.

Robert Gervais -
The alternative would be to go find the heirs of the deceased previous owner.

Council Member Lorraine Hehn made the motion to move to accept the transferring of Carpenter Road from the County to the City. Debra Davison seconded the motion.
The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson
No: None
Absent: None
Abstained: None

11. Consideration and possible action to direct staff on the following as requested by Council Member Hehn and Council Member Perry;

*Special Events Policy,
**Code of Ordinances, Chapter 33 Food and Food Handlers, and*
**Code of Ordinances, Chapter 35 -Article X - Mobile Food Vendors*.
(Requested by Council Member Hehn and Council Member Perry)
(Tabled at the 10/17/2022 Council Meeting)

Kyle Jung -
From the workshop discussion, it was decided to bring back updates to the Mobile Food Ordinance and the Special Events Policy.

Jason Albert -
Worried that if we don't table this, it will go away and not be brought back.

No action taken.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney" and 551.072: Deliberations regarding real property to discuss the following:

- *ROW acquisition*
- *2.197 Acres located at 19803 Morris Avenue, Manvel Texas*

Mayor Davison convened the meeting into Executive Session at 6:27 p.m.
Mayor Davison reconvened the meeting out of Executive Session at 7:25 p.m.
No action was taken in Executive Session

Regular Agenda

12. Consideration and possible action to direct staff on ROW acquisitions.

No action taken.

13. Consideration and possible action to direct staff on the offer made on the 2.197 acres located at 19803 Morris Avenue, Manvel Tx.

Mayor Davison made the motion to direct staff to go forward with the sale of 2.197 acres on Hwy 6 and authorize the City Manager to enter into an earnest money contract with a purchase price of $900,000. Council Member Larry Akery seconded the motion.
The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson
No: None
Absent: None
Abstained: None

Mayor and Council Comments

Jason Albert asked that we remember Veterans this week for Veterans Day.

Adjourn

Council Member Jason Albert made the motion to adjourn. Council Member Jerome Hudson seconded the motion.
The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson
No: None
Absent: None
Abstained: None

The meeting adjourned at 7:27 p.m.

CERTIFICATION

_____
DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

_____
TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

MANVEL CITY COUNCIL
DATA SHEET

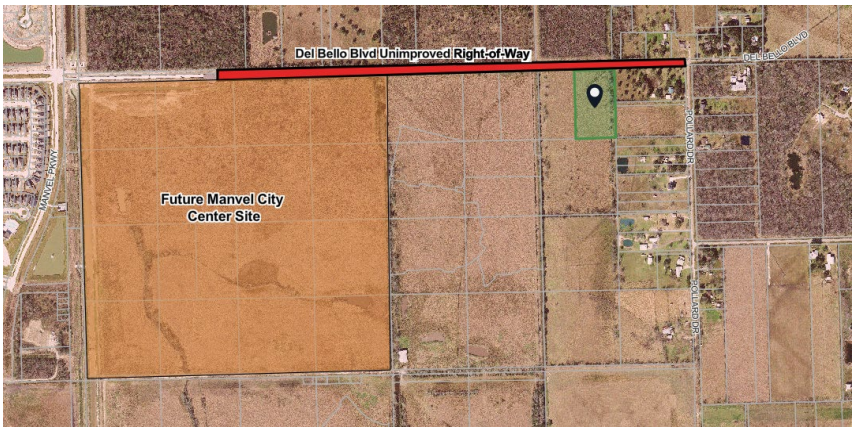
MEETING DATE: November 21, 2022

TOPIC: Reconsideration of a subdivision variance request seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements* for a 5.0-acre tract of land located along south side of Del Bello Boulevard on the west side of its intersection with Pollard Drive. The subject site abuts the property located at the southwest corner of Del Bello Boulevard and Pollard Drive intersection.

BACKGROUND: The applicant first met with staff on February 17, 2022 as a potential buyer of the property, and was made aware of the subdivision ordinance requirements. It appears that the applicant purchased the property in March 2022 being fully aware of the additional street requirements. The applicant interacted with staff via phone calls and filed a subdivision variance application on August 16, 2022. The variance request was denied by City Council at the October 3, 2022 regular meeting. Following sections of this data sheet provide details on the subject site and the reason for the variance.

The subject site is located in the Open-Single Family Residential (O-SFR*) zoning district*. Properties abutting the subject site are mostly undeveloped with the exception of the property located at the corner of Pollard Drive and Del Bello Boulevard which includes a single-family residential home and accessory buildings. The subject site is owned by Clark Travis F & Marco A Vital. The applicant Mr. Clark, has indicated that the property is intended to be subdivided to build two residential homes.

Properties on the west, north, and south side of the subject site are mostly undeveloped. Nearest existing development to the west is the Del Bello Lakes residential subdivision. Planned development on the west side of the subject site include future Manvel City Center and proposed Valencia Master Planned Community. Del Bello Boulevard is identified as a proposed Parkway (120' ROW width) on the Major Thoroughfare Plan. Currently, Del Bello Boulevard is unimproved between Pollard Drive and to a portion of the future Manvel City Center site frontage. Length of unimproved Del Bello Blvd right-of-way from its intersection with Pollard Drive to the eastern edge of the subject site is approximately 700 feet.



Existing residentially developed properties on the east side of the subject site are all accessed

from an asphalt surface road (Pollard Dr and Del Bello Blvd). The subject site can be accessed only from the unimproved Del Bello Boulevard right-of-way. Section 62-111 of the subdivision ordinance requires construction on one-half of all perimeter (abutting) roads as concrete curb and gutter in accordance with the City's Design Criteria Manual and Major Thoroughfare Plan.

The variance requested previously was to allow concrete wash-out concrete for the required street surface along property frontage. At the October 3, 2022 regular meeting, City Council denied this request. Staff's recommendation of denial was based on the following factors:

- The request did not meet the criteria provided in Section 62-5, *Variance*.
- An approximate 700-foot segment of the access road to the subject site (Del Bello Blvd) will be unpaved irrespective of whether the variance was granted or not.
- The request undermined the intent and purpose of the regulation, since access roads with all-weather capabilities for regular traffic and fire apparatus are critical for development of lots, especially for residential lots.
- The proposed concrete wash-out surface for the streets is not an acceptable street improvement solution due to the potential environmental harm it can cause and the need for frequent maintenance.

Since the denial of the request, the applicant met with staff to discuss an alternative to concrete wash-out and to address issue of the absence of an all-weather access road to the subject site. Staff provided City of Manvel approved specifications for temporary construction roads (access roads to construction sites or temporary access prior to street construction), which would be the minimum standard that staff would be able to support in terms of safe access, considering the unique situation. The applicant used the specifications to get quotes for the construction of 700-foot street segment from Pollard Dr to the subject site. Additionally, the applicant proposed two alternatives that deviated from the city approved specification to reduce cost. The cost estimates and proposal provided by the applicant can be summarized in the following table. Please note that staff does not support a temporary road construction that is less than 14 feet wide (No. 3) or without lime stabilization (No.2).

No.	Proposed Temporary Road Construction	Cost
1.	14' wide with lime stabilized subgrade (Staff Recommended)	$ 76,300.00
2.	14' wide without lime stabilized subgrade (Alternate Proposal by applicant)	$ 61,300.00
3.	10' wide without lime stabilized subgrade (Alternate Proposal by applicant)	$ 38,300.00

Based on the quotes, the applicant is claiming financial hardship and is currently requesting the following:

- Variance to Section 62-111 to allow construction of a temporary road from Pollard Dr to the subject site.
- Road construction from Pollard Dr to the subject site be built by the City.

According to the applicant, the 700 feet of unimproved road is a City road right-of-way and should be City's responsibility. The applicant has indicated that as part of this variance reconsideration he would appeal to the City Council to approve funding for this road construction (email attached). Without an agreement regarding road construction, a variance approval and development agreement with the applicant cannot be finalized. Therefore, staff is not able to support this variance request until there is clarity regarding construction of the necessary access road.

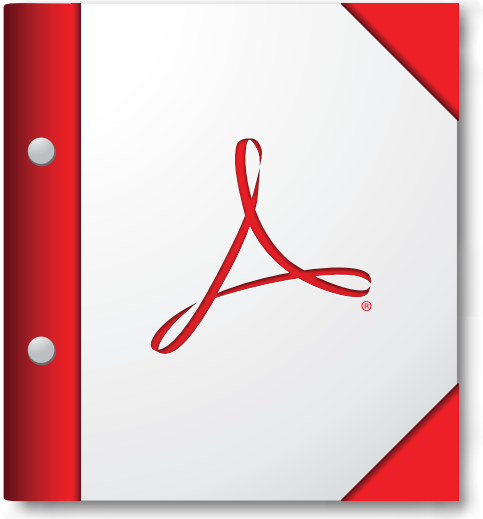
RECOMMENDATION: Staff recommends denial of this variance request to Chapter 62, Section 62-111, whereby, a request is made to allow a temporary construction road from Pollard Dr to the subject site at City's expense instead of the requirement to construct half of the perimeter street as a concrete curb and gutter street.

ATTACHMENTS: Previous application, Email request for reconsideration, Survey, Vicinity Zoning Map, Vicinity Aerial Map, and Site Pictures.

FUNDING ISSUES

_X_ Not applicable
___ Not budgeted
___ Full amount already budgeted
___ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER Jose Abraham, City Planner	**FINANCE DIRECTOR APPROVAL _____** **CITY MANAGER APPROVAL _____**



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CITY OF MANVEL

http:/ /www.cityofmanvel.com

PO Box 187
Manvel, Texas 77578

Phone: (281) 489-0630
Fax: (281) 489-0634

Subdivision Variance Application

Applicant Information

Applicant (if not owner): _____

Phone: **409-790-1802** e-mail: **Kgclark1984@gmail.com**

Owner: **Travis Clark / Marco Vital**

Owner Address: **9807 Carver Drive** City: **Iowa Colony** State: TX Zip **77583**

Phone: **409-790-1802** e-mail: **Kgclark1984@gmail.com**

Property Information

Site Address: **Count Road 87-Off Manvel TX**

Legal description (from deed): **A0201 HT7BRR, TRACT 49 (E/2), Acres 5.000**
(Property must be legally subdivided or be lot of record)

Brazoria County Identification Number: ~~641686~~ 168152

Description of Subdivision Variance Request

Sec 62-111 : The developer shall be responsible for construction of necessary improvements on all perimeter streets in order to bring the pavement and curbing up to minor street standards for the one-half of the street abutting the development.

Rights-of-way widths. The minimum right-of-way width for all streets in the city and its extraterritorial jurisdiction is 60 feet or otherwise specified in the city's thoroughfare plan, as amended from time to time

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

- What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

We purchased our land with the intent to build a new home within the next year. With the current ordinance in place, we are not able to afford to build the road that is being requested by the City of Manvel.

o How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

With this variance, we will be able to get a culvert to access our land from the right-of-away (road), also allowing us to start the process of getting all permits for construction.

o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

This is a right-of-away road that is already traveled by farmers and people that have access to their property. There is a drainage ditch that has been dugout with culverts on one side already. I recently stopped to talk to the City of Manvel's Fire Department, where I asked if there were any issues with the right- of-away that is in placed now. I was told "No" by various representatives. They also explained there are resident driveways with less constructed driveways then this requested right-of-away. It was highly encouraged that I request this variance by those same representatives.

o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

As stated in the previous questions, this is a Right-of-away that this is already in use. The neighbors around me all have access to their properties, and encouraged me to go submit the necessary paperwork in order to achieve the same goals.

Applicant Authorization

I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.

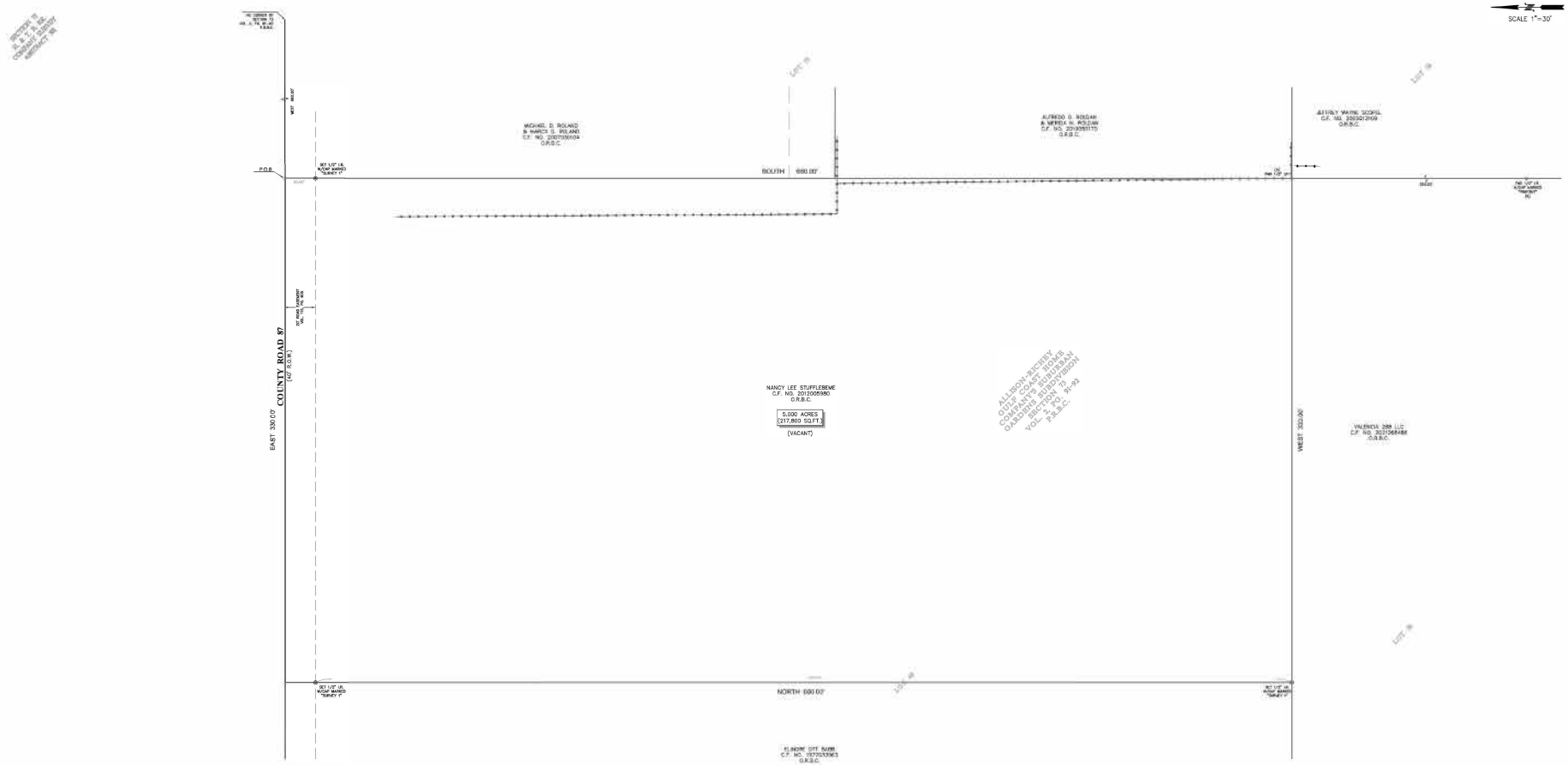
Travis Clark

Applicant Signature

8-15-22

Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.



NOTES:

1. ALL BEARINGS SHOWN HEREON ARE REFERENCED TO A PRIOR DEED CONVEYED UNTO NANCY LEE STUFFLEBEME, RECORDED IN COUNTY CLERK'S FILE NO. 2012005880 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, POINTS (U) AND (V) WERE HELD FOR HORIZONTAL CONTROL.
2. NO INVESTIGATION FOR THE SUBJECT TRACT WAS PROVIDED BY THE TITLE INSURANCE COMPANY LISTED BELOW, SURVEYOR WAS NOT REPRESENTED ABSTRACTED SUBJECT PROPERTY.
3. THIS SURVEY IS CERTIFIED TO THE TITLE INSURANCE COMPANY LISTED BELOW FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4. ALL EASEMENTS AND RIGHTS-OF-WAY SHOWN ARE PER THE RECORDED PLAT UNLESS OTHERWISE NOTED.
5. THERE ARE NO NATURAL DRAINAGE COURSES ON SUBJECT PROPERTY.

LEGEND

FENCE — x — x — x — WIRE

TITLE COMPANY:

281-485-7999

G.F. # 2205535-HHH

ISSUE DATE: 02-15-22

LEGAL DESCRIPTION: A TRACT OF LAND CONTAINING 5.000 ACRES (217,800 SQUARE FEET) SITUATED IN SECTION 73, IN THE H. T. & B. RR. COMPANY SURVEY, ABSTRACT 301, BRAZORIA COUNTY, TEXAS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS ATTACHED.

STATE OF TEXAS — REGISTERED PROFESSIONAL LAND SURVEYOR — RICHARD FUNNELL — 4148

SURVEYOR'S CERTIFICATE:
IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE RESULTS OF AN ON-THE-GROUND SURVEY MADE UNDER MY DIRECT SUPERVISION AND CONTROL AND IS SUPPORTED BY SUBSURFACE EVIDENCE OF EXISTING MARKS. THIS SURVEY WAS COMPLETED WITH THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO ENCROACHMENTS OR OVERLAPPING OF BUILDINGS OR IMPROVEMENTS.

RICHARD FUNNELL
REG. 4148

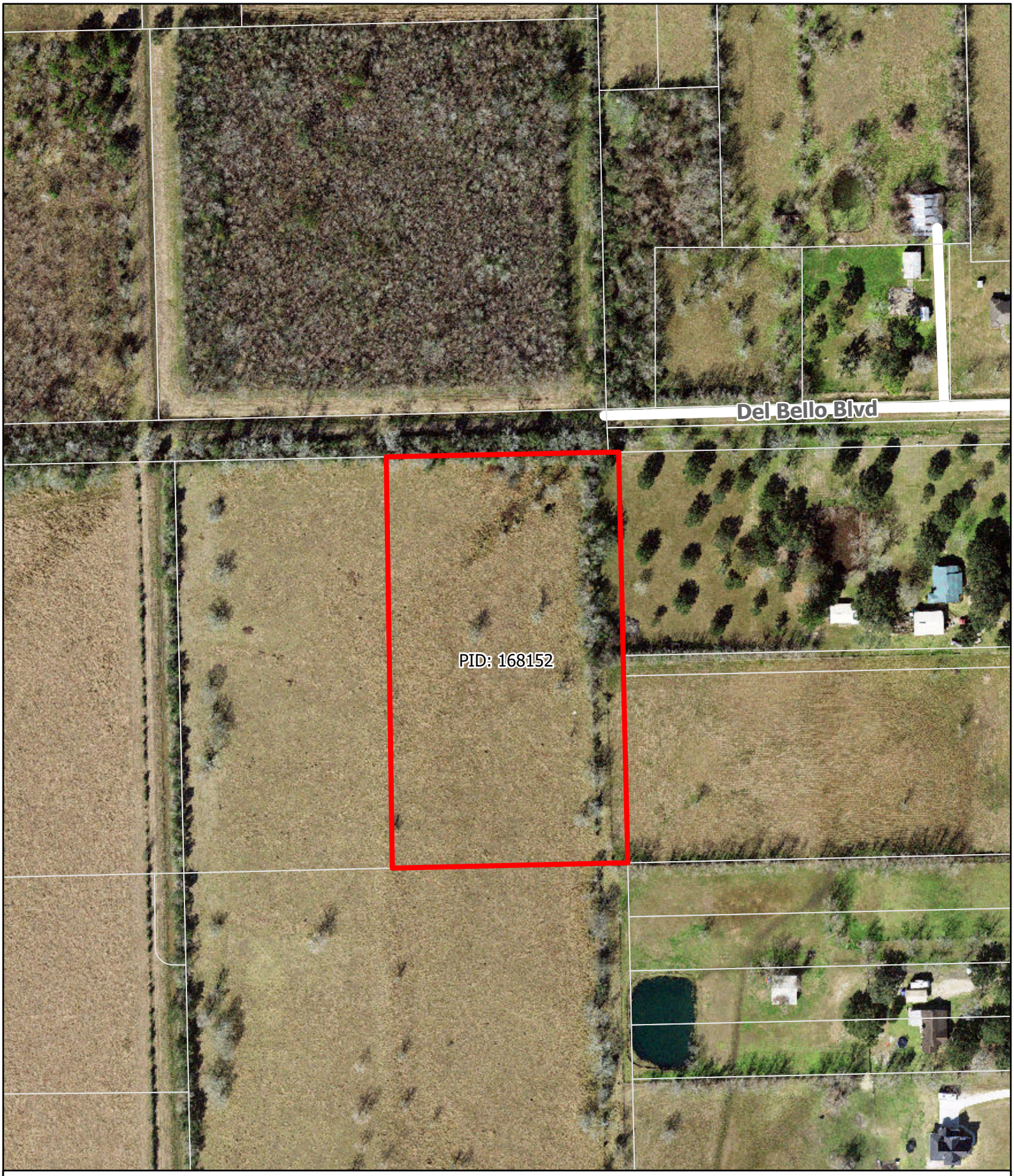
CLIENT: TRAVIS CLARK AND MARCO VITAL

ADDRESS: COUNTY ROAD 87

www.surveyinc.com
survey1@surveyinc.com

Survey 1, Inc.
Your Land Survey Company
Firm Registration No. 100758-00
P.O. Box 3543 · Alvin, TX 77512 | (281)585-1382

FIELD CREW: JF	TECH: EF
DRAFTER: JB	FINAL CHECK: EF
DATE: 02-23-22	
JOB # 2-108245-22	



COUNTY ROAD 87 PID: 168152

City of Manvel City Limits

City of Manvel ETJ

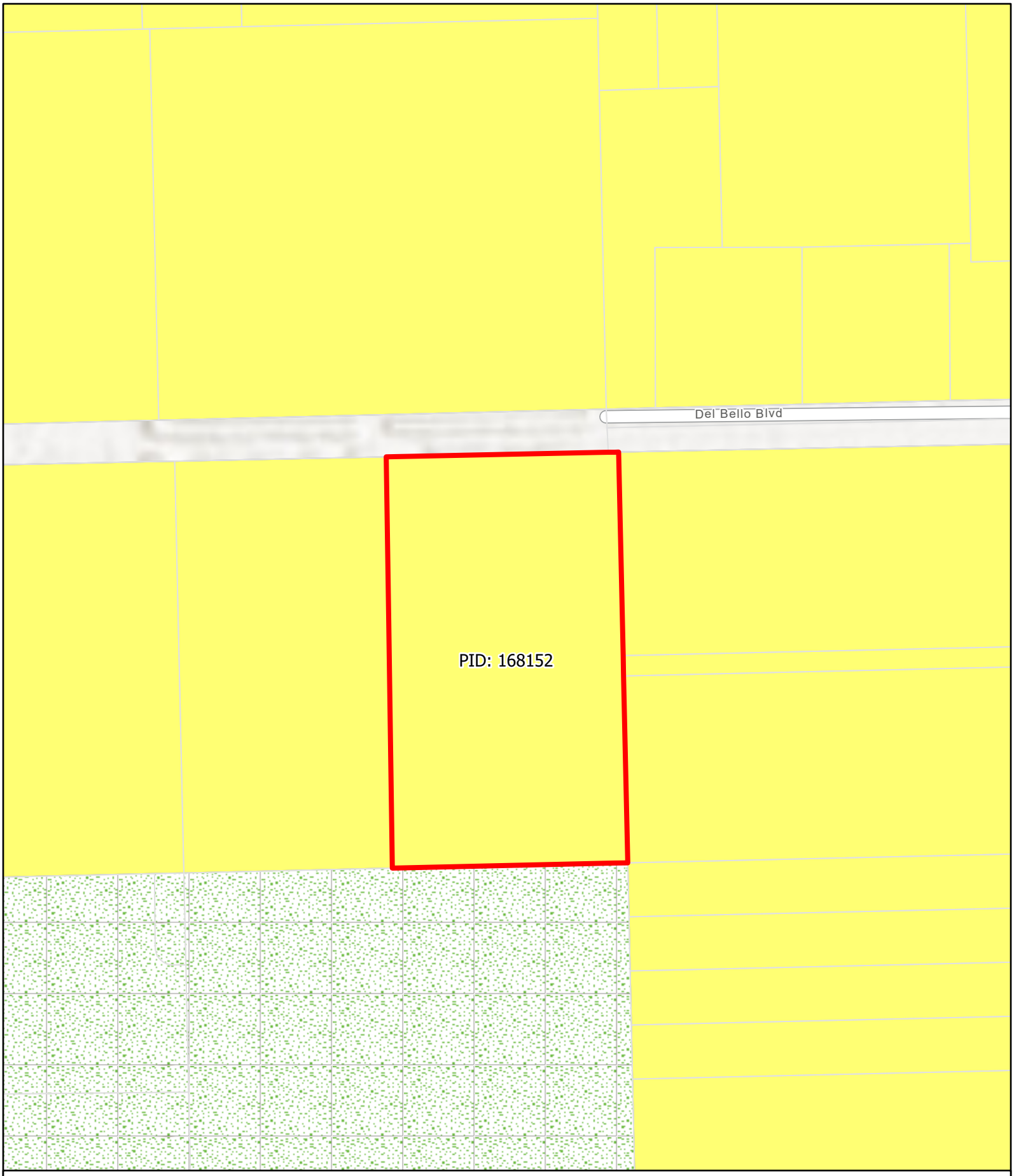
PID: 168152

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

0 125 250 500 750 1,000 US Feet

N W E S

Date: September 2022
Reference: 2022088
Data Source, City of Manvel, Brazoria County Open Data



COUNTY ROAD 87 PID: 168152

City of Manvel City Limits

City of Manvel ETJ

Planned Unit Development

Open Single-Family Residential District

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

0 125 250 500 750 1,000 US Feet

N W E S

Date: September 2022
Reference: 2022088
Data Source, City of Manvel, Brazoria County Open Data

SITE PICTURES (SUBDIVISON VARIANCE)

Picture of the subject site provided by applicant

Viewing west along Unimproved Del Bello Boulevard

Unimproved Del Bello Boulevard and Drainage ditch

Viewing west from Del Bello Boulevard and Pollard Drive intersection

Viewing East along Del Bello Boulevard ROW from Future Manvel City Center Site

MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: November 21, 2022

TOPIC: Consideration and possible action to approved a variance from the Manvel Town Center PUD, Exhibit E, IV. Project/Plan Description, C. Development Guidelines, 5) Parking, for parking lot one-way aisle minimum width.

BACKGROUND: According to the Manvel Town Center PUD Exhibit E, IV. Project/Plan Description, C. Development Guidelines, "any change to the guidelines below or other applicable regulations shall require a variance granted by the City of Manvel City Council." Since the parking lot regulations are housed within the Development Guidelines, the applicant, LJA and HEB are requesting a variance in order to reduce the minimum parking lot aisle width for a one-way aisle. The existing PUD Document allows a minimum one-way aisle width of 24-feet with 60-degree parking angle. The applicant is requesting a minimum one-way aisle width of 18-feet with a 60-degree parking angle. The applicant's request for the one-way aisle width is only for HEB and not other parking lots within the Manvel Town Center Development. HEB has stated in their Applicant Variance Request Letter, that the decreased one-way aisle width will "deter inadvertent two-way traffic on a one-way drive aisle" and increase the overall functionality of the parking field.

In the adopted 2017 Design Criteria Manual (DCM), the minimum one-way aisle width was 18-feet with a 60-degree parking angle, along with a one-way cross aisle. At the time of PUD adoption, the minimum 24-foot one-way aisle width was a deviation from the adopted 2017 DCM. The current DCM (2022) has a minimum 25-foot one-way parking aisle width (60-degree angle) which was adopted in the 2019 DCM. Further, the proposed 18-foot wide one-way drive aisles will not hinder fire apparatus access for fire suppression operations of the proposed HEB site.

Since the variance request was an approved parking aisle width as adopted in the 2017 DCM, staff is in support of the variance request to the Manvel Town Center PUD. However, staff is recommending the proposed change for all property development located in the PUD and not just the HEB development site.

RECOMMENDATION: Staff recommends approval of Manvel Town Center PUD, Exhibit E, IV. Project/Plan Description, C. Development Guidelines, 5) Parking, for a minimum parking lot one-way aisle width of 18-feet for 60-degree angled parking.

ATTACHMENTS: Manvel Town Center PUD, Exhibit E. (clean version), Manvel Town Center PUD, Exhibit E. (redline version), Exhibit A – 2017 DCM Parking Lot Aisles, and Applicant Variance Request Letter

FUNDING ISSUES

_X_ Not applicable
___ Not budgeted
___ Full amount already budgeted
___ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER Jessica Rodriguez	FINANCE DIRECTOR APPROVAL _____ CITY MANAGER APPROVAL _____

LJA ENGINEERING

1904 W Grand Parkway N, Suite 100, Katy, Texas 77449
t 713.380.4420 f 713.953.5026 LJA.com TBPELS F-1386

November 4, 2022

Mr. Kyle Jung
City of Manvel
20031 Highway 6
Manvel, Texas 77578
832.592.2725

Re: Manvel Towncenter PUD variance
LJA Project No. 1455-2122 (2.0)

Dear Mr. Jung:

On behalf of our client, we are requesting a variance to the Manvel Towncenter PUD. Attached supporting documentation is included with this letter outlining the requested variance to the parking aisle variance. We respectfully request the current space length be changed from 19 feet to 21 feet and the one-way drive aisles at 60 degrees be changed from 24 feet to 18 feet in width. The requested variance will be limited to the HEB parcel described in Exhibit "A" Attached hereto.

The proposed change will deter vehicles from moving in the wrong direction on a one-way drive aisle. It will provide a larger parking space for trucks and SUV's. The overall level of service (LOS) of the parking lot will be improved. This also provides an additional level of safety for customers loading their cars with groceries and returning children to car seats etc. Traffic flows will be smoother with the proposed variance. The parking space depth increasing from 19 feet to 21 feet eliminates properly parked vehicles from extending into the drive aisle and potentially be damaged by passing vehicles.

The overall distance from the centerline to centerline of a 60-degree parking tree remains unchanged. The parking space depth is improved to better accommodate vehicles like dually trucks and extra-large SUV's. The decreased aisle width deters inadvertent two-way traffic on a one-way drive aisle. The overall level of service for the parking field will be improved as well as increasing the overall functionality of the parking field.

An exhibit is included showing a comparison of the existing requirement verses the proposed requirement. Additionally, we have included a letter from James Brooks a parking consultant with Walker consultants elaborating the appropriateness of the requested variance.

If you have any questions or require additional information, please contact me directly at 713.953.5277.

Sincerely,

David Rivera, PE
Vice President

DAR/jb

Copy: JoBeth Prochaska - Weitzman
John Rose - HEB
Shaun Theriot-Smith – HEB
Dan Johnson – City of Manvel

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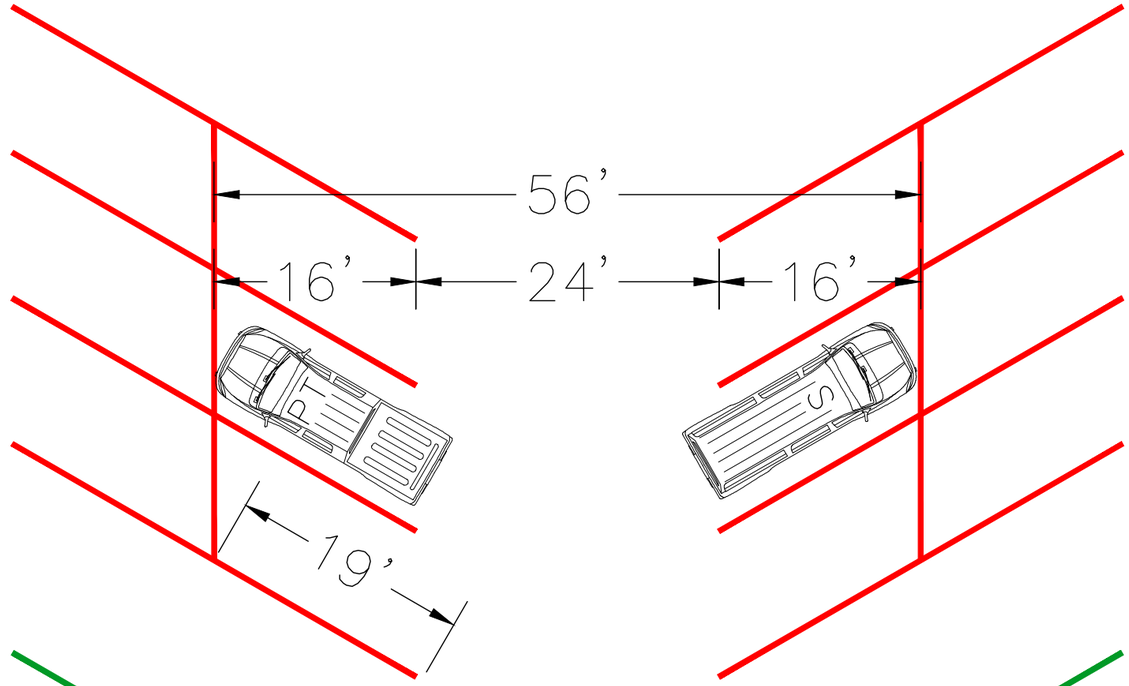
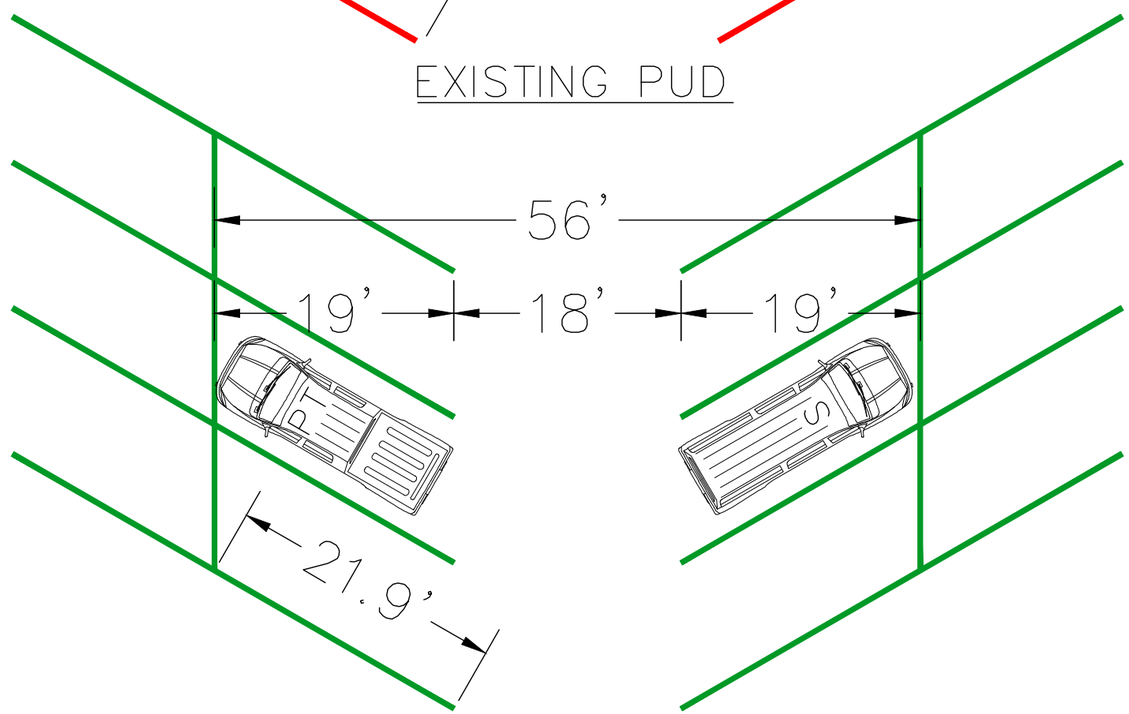
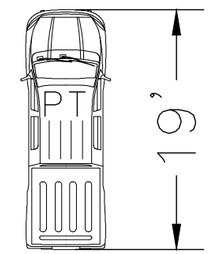


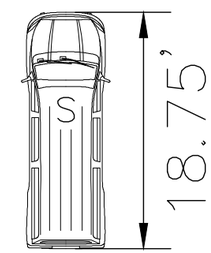
EXISTING PUD



PROPOSED VARIANCE



PICKUP TRUCK
(TYP DIMENSIONS)



SUBURBAN SUV
(TYP DIMENSIONS)

HEB MANVEL
PARKING EXHIBIT

WALKER CONSULTANTS

2525 Bay Area Blvd, Suite 400
Houston, TX 77058
281.280.0068
www.walkerconsultants.com

November 2, 2022

John Rose, PE
Sr. Due Diligence Manager
HEB Grocery Company
3890 W. Northwest Highway
Suite 300
Dallas, TX 75220

Re: Manvel – HEB @ HWY 6 & HWY 288 Parking Module

To whom it may concern:

It has been my experience with the HEB Grocery Company (HEB) that providing a high Level of Service customer experience at all of its parking facilities is paramount to what they consider a successful development, as parking is the first and last touch point they have with many of their users. This, however, requires the balancing of many factors that uniquely impact HEB parking facilities.

It is my opinion, having documented and observed the behavior of the planned user group, appropriate design vehicle for this area (Ford Expedition), and projected peak hour vehicular volumes that the depicted 56'-0" one-way parking module for the proposed Manvel HEB is more desirable for implementation than that required by the PUD. Please see attached memo for more detail.

We appreciate the opportunity to be of service to you on this project. If you have any questions or comments, please do not hesitate to call/text me at 832.301.6200 (cell) or email at jbrooks@walkerconsultants.com

Sincerely,

WALKER CONSULTANTS

James E. Brooks, PE, LEED AP
Parking Consultant

Level Of Service Approach to Parking Design

Walker has developed a "Level of Service" (LOS) approach to parking design. It draws on the traffic engineer's LOS for traffic impact analysis and certain other traffic engineering principles but extends it to a variety of qualitative design features in parking. The LOS definitions are easy to understand, and most in the development community understand LOS. Therefore, it is an easy communication tool for parking design. Use of LOS also promotes consistency in design and helps balance:

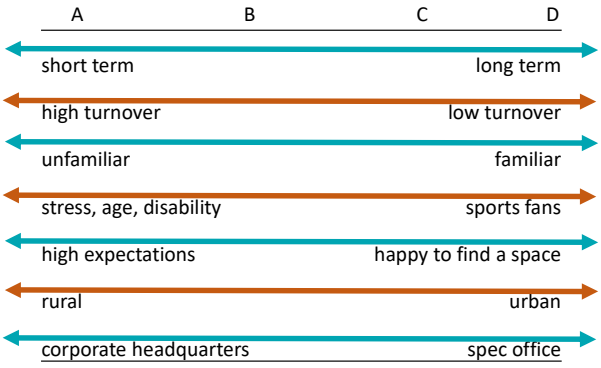
- User needs/wants
- Business, cost, and operational requirements

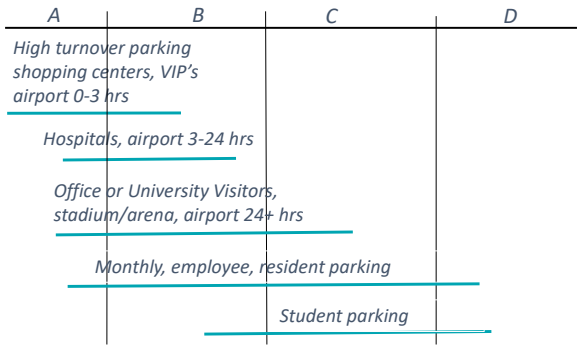
The following compares the traffic engineering definitions for LOS with Walker usage:

Traffic Engineer Definitions		Walker Definition
LOS A:	Free flow, no congestion or delay	Superior
LOS B:	Little congestion or delay	Above Avg
LOS C:	Some congestion and delay	Average
LOS D:	Very congested but still stable	Passing
~~LOS E:~~	~~At critical point for stability~~	Failing
~~LOS F:~~	~~Unstable system; breakdown likely~~	Gridlock

Criteria are NOT provided for LOS E & F, because those conditions are not recommended withing parking.

Generally, LOS A is recommended for short term, high turnover parking and unfamiliar users. It also is beneficial for users under stress, aged or those with disabilities, such as at hospitals. At the other end of the scale are typically employees and residents. On the left below are typical considerations in recommending LOS; on the right is the conversion of those considerations to user types. LOS A is almost always recommended for high turnover, short stay parking, but in an urban environment it may be LOS B. For resident parking, it is most commonly designed to C or B; in very urban location it might be designed as D, but a luxury property might be LOS A.





For the proposed Manvel HEB, we recommend LOS B as a minimum goal, with LOS A where possible.

Level of Service is applied to many different criteria.

- Geometrics
- Lighting
- Clear Height
- Walking Distances
- Flow capacity, waiting time in queue
- Spaces searched in path of travel
- % Spaces on Flat floors

We might recommend that different items have different LOS and in particular to compromise one criteria for a better LOS for another. For example, achieving a floor-to-floor height of LOS B requires ramp slope of LOS C

But with LOS criteria, that choice/balance is more easily communicated to client. Another example: design parking flow capacity at a shopping center to operate:

- LOS A for weekday
- LOS B for typical Saturday
- LOS C for December Saturdays

Design Vehicles

It is noted that design vehicles have been discussed in publications for parking design since at least the late 1950's. Walker has adopted a framework for determining "design vehicles" in a rational way to, in turn, determine parking dimensions. For parking area maneuvers, the design vehicle is the 85th percentile vehicle in the array from the smallest to largest vehicles used for personal transportation in the US. Using the 85th percentile instead of a 99th percentile vehicle (as used by Walker for roads and express ramps) promotes efficiency in design, more sustainable parking areas (building less) and tailoring the design to the vehicle fleet. **All vehicles parked in a facility are assumed to be the DESIGN VEHICLE** and then another design vehicle drives and parks or unparks in the facility, and therefore can make turns and maneuvers with a level of comfort commensurate with the intended LOS. 85% of the vehicles will be able to maneuver comfortably; the 14% larger vehicles will be slower or require more maneuvering. The probability that a design vehicle will park in an open space between two parked design vehicles, with the space opposite also having a design vehicle parked is 0.14*0.14*0.14*0.14 = 3.8/1000; this is certainly an acceptable indeed sustainable design condition.

We have been tabulating US vehicle sales by length and width since 1983 to determine the trends in vehicles, using annual sales data from *Automotive News* and manufacturer data for dimensions. This data is published periodically and has been adopted in a number of parking publications. We don't change the design vehicle every year to match the 85th percentile vehicle in US Sales for two reasons. Most importantly, since about 1998, the 85th percentile vehicle among sales has been remarkably stable at 6'7"+/1" by 17' +/-2" even though many individual models have crept up in size and the sales of cars has declined while sales of SUVs and pickups has grown in market share to the point that they comprise nearly 75% of sales today. In addition, as the average age of vehicles on the road is now ~12 years, it will take several years for a significantly different-sized vehicle to be the 85th percentile on the road. A trend indicating a different sized design vehicle will be monitored for a year or two before adoption.

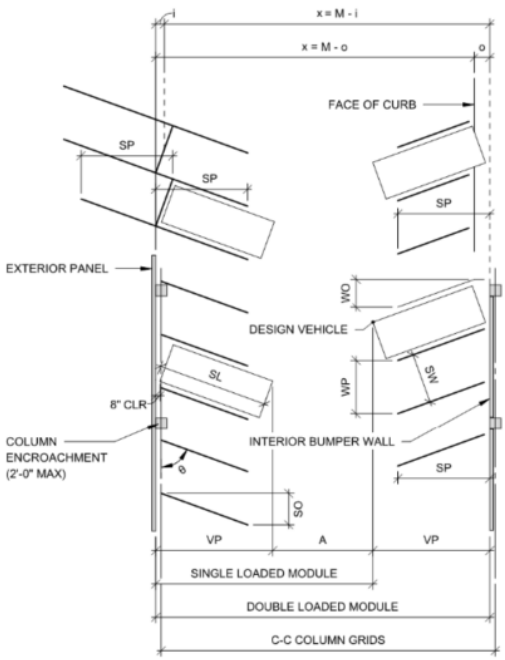
Our design vehicle today for parking in Manvel is 6'-7" by 17'-1", about the size of a 2018 Ford Expedition.

Geometrics

Parking geometrics are the basic dimensions of parking stalls, aisles, and modules (the combined dimension of two rows of parking stalls and the aisle between). The figure (at right) illustrates the one-way (uno) module for the appropriate design vehicle for Manvel, TX.

LOS 2022		United States			
Design Vehicle (ft)			6.58	by	17.08
Level of Service		D	C	B	A
Stall Width (ft)		8.25	8.50	8.75	9.00
Module (ft)					
Angle	45	46.5	47.5	48.8	**50.8**
	50	48.3	49.3	50.3	**52.0**
	55	49.5	50.5	51.5	**52.8**
	60	51.0	52.0	53.0	54.0
	65	52.3	53.3	54.3	55.3
	70	53.5	54.5	55.5	56.5
	75	54.5	55.5	56.5	57.5
	90 (2 way)	58.5	59.5	60.5	61.5
	90 (1 way)	58.5	59.5	60.5	61.5

Bold indicates minimum aisle width controls dimension

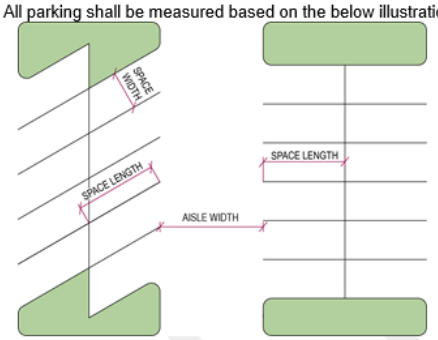


LEGEND

θ = ANGLE OF PARKING
M = MODULE
A = AISLE WIDTH
i = INTERLOCK REDUCTION
o = OVERHANG
SP = STRIPE PROJECTION = 16'-6"
VP = VEHICLE PROJECTION
WP = WIDTH PROJECTION
SW = STALL WIDTH
SL = STALL LENGTH
WO = WALL OFFSET
SO = STRIPE OFFSET

The local, applicable code is the *'Manvel Town Center PUD Document'*. Section IV-C-5 8.4.1 *Development Guidelines* (right image) requires that when a one-way 60-degree layout is utilized, the "space length" shall be 19'-0" and the "aisle width" required is 24'-0". Thus, the resulting minimum required module is approximately 56'-6", which is LOS A+.

c. All parking shall be measured based on the below illustration:



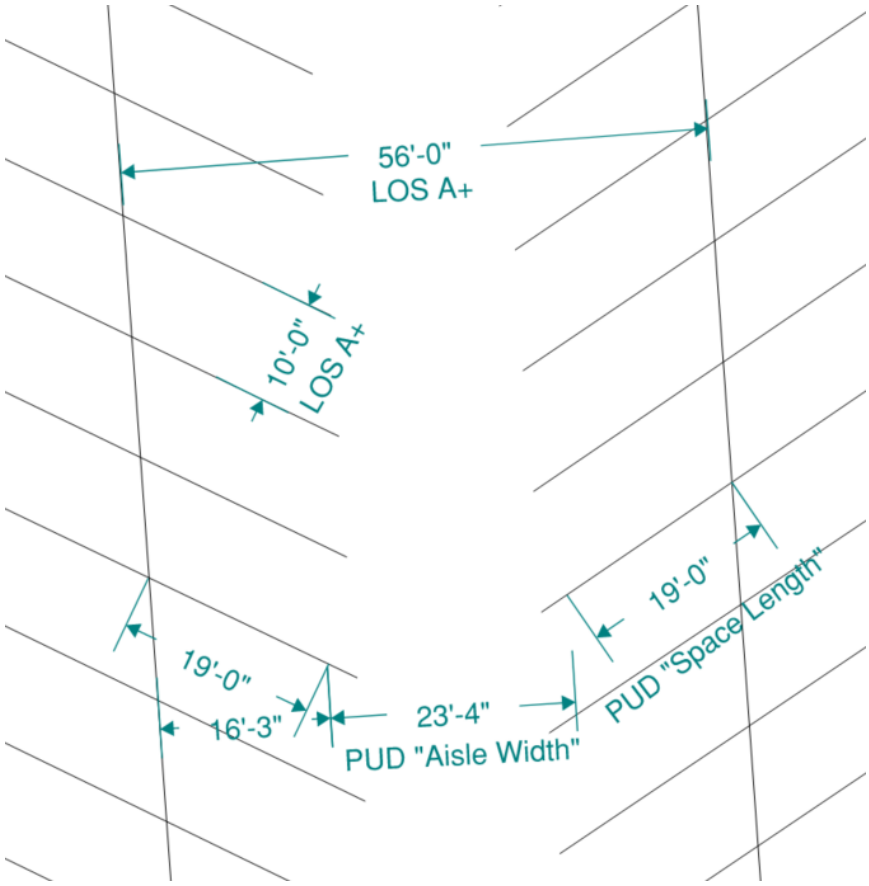
d. All parking stalls shall be a minimum of ten (10) feet in width by nineteen (19) feet in length and must meet the minimum requirements in the table below:

	Angle	Aisle Width (ft)
One Way	0 Degrees	14
	60 Degrees	24
	90 Degrees	24
Two Way	0 Degrees	20
	60 Degrees	24
	90 Degrees	24

The PUD geometry for one way and two-way 60-degree parking is identical, LOS A+. It is our understanding that the idea behind such a wide module is that it allows drivers to 'pull thru' stalls and have adequate turning movement space into the adjacent aisle without having to 'back out' of a stall. Informal studies have shown this can reduce pedestrian vs vehicular interactions.

HEB, however, experiences extreme peak hour entry and exit volumes thru their facilities. The opportunity for pulling thru stalls is all but eliminated at peak times when it would be most beneficial. To maintain the required flow capacity thru their lots during these peak hour events, one-way parking aisles are typically required.

Based on years of observation at several facilities, we have observed that numerous drivers will drive the wrong way down one-way aisles. When this occurs during the peak hour it can result in reduced flow capacity and even grid lock (and police assistance at some facilities). To reduce the number of drivers engaging in this behavior, HEB utilizes a parking module that provides a LOS A+ geometry of 56'-0" (2' wider than required for the design vehicle selected) while remaining just narrower than would comfortably facilitate undesirable two-way driving behavior. See below proposed Manvel 6@288 HEB module.



Our recommendation for the project would be that HEB be allowed to utilize its proposed 56'-0" overall module, or just slightly smaller than the 2-way PUD module, to encourage one-way behavior thru geometry while still providing a LOS A experience.

Exhibit A

MANVEL TOWN CENTER
12.13 ACRES

NOVEMBER 6, 2018
JOB NO. 3890-00

DESCRIPTION OF A 12.13 ACRE TRACT OF LAND SITUATED
IN THE H.T.& B. R.R. CO. SURVEY, SECTION 71, ABSTRACT NO. 291
CITY OF MANVEL
BRAZORIA COUNTY, TEXAS

BEING 12.13 acres (528,384 square foot) of land situated in the H.T.& B. R.R. Co. Survey, Section 71, Abstract 291, City of Manvel, Brazoria County, Texas and being a portion of a called 6.32 acre tract of land and a portion of a called 4.00 acre tract of land both as described in instrument to Manvel Town Center, Ltd. recorded under Brazoria County Clerk's File Number (B.C.C.F. No.) 2007004251, a portion of a called 3.522799 acre tract described as Tract No. A in an instrument to Manvel Town Center, Ltd. recorded under B.C.C.F. No. 2007004252 and a portion of Lot 36 and Lot 37 of EMIGRATION LAND COMPANY SUBDIVISION SECTION 71, a subdivision per plat recorded under Vol. 2, Pg. 81-82 of the Brazoria County Plat Records and a portion of a 40-foot unimproved road, said 12.13 acres of land being more particularly described as follows:

COMMENCING at a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the common West corner of said 6.32 acre tract and a called 10.3214 acre tract of land described as Tract Two in an instrument to New Rodeo 288, Ltd. recorded under B.C.C.F. No. 2006043836, same being the common West corner of Lot 36 and Lot 35 of said EMIGRGATION LAND COMPANY SUBDIVISION and lying on the East line of a 40 foot Unimproved Road as shown in Vol. 2, Pg. 81-82 of the B.C.P.R.,

THENCE, N 86°38'58" E, a distance of 40.00 feet along and with the common line of said 6.32 acre tract and said 4.00 acre tract to a 1/2-inch iron pipe with cap stamped "BGE INC" found for the **POINT OF BEGINNING** and the Northwest corner of the herein described tract;

THENCE, N 86°38'58" E, a distance of 568.03 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for the Northeast corner of the herein described tract;

THENCE, over and across said 6.32 acre tract, said 4.00 acre tract and said 3.522799 acre tract, and said Lots 36 & 37, the following courses and distances:

S 03°24'50" E, a distance of 291.65 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for corner;

S 86°35'10" W, a distance of 9.72 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for an interior corner of the herein described tract;

S 03°23'32" E, a distance of 111.68 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for an interior corner of the herein described tract;

N 86°34'46" E, a distance of 2.62 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for corner;

S 03°25'14" E, a distance of 377.97 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for an interior corner of the herein described tract;

N 86°44'12" E, a distance of 22.53 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for corner;

S 19°31'20" W, a distance of 258.34 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for the Southeast corner of the herein described tract, lying on the North right-of-way line of State Highway 6 (200 feet wide) as shown in B.C.C.F. Nos. 94-000272, 94-014296, 94-014297, 94-037011, 95-001320, 95-038346, 96-005004;

THENCE, N 70°29'05" W, along and with said North right-of-way line, at a distance of 568.59 feet pass the Southwest corner of said 3.522799 acre tract, and continuing over and across said 40-foot unimproved road for a total distance of 597.15 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for the most Southerly Southwest corner of the herein described tract;

THENCE, N 25°28'55" W, a distance of 28.51 feet over and across said 40-foot unimproved road to a 1/2-inch iron pipe with cap stamped "BGE INC" set for the most Northerly Southwest corner of the herein described tract;

THENCE, N 19°35'34" E, a distance of 118.88 feet over and across said 40-foot unimproved road and said 4.00 acre tract to a 1/2-inch iron pipe with cap stamped "BGE INC" set for the beginning of a tangent curve to the left;

THENCE, in a Northerly direction, over and across said 4.00 acre tract and along said curve to the left, a distance of 155.45 feet, having a radius of 388.21 feet, a central angle of 22°56'36" and a chord which bears N 08°07'16" E, 154.42 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for a point of tangency;

THENCE, N 03°21'02" W, a distance of 500.11 feet, continuing over and across said 4.00 acre tract and said 6.32 acre tract to the **POINT OF BEGINNING** and containing 12.13 acres (528,384 square feet) of land.

Bearing orientation is based on the Texas Coordinate System, of 1983 (NAD83) South Central Zone 4204 and is referenced to said 6.32 acre tract as cited herein.

STATE OF TEXAS
REGISTERED
JAMES B. McALLISTER, JR.
5717
PROFESSIONAL
LAND SURVEYOR

James B McAllister 11/06/18

James B. McAllister, Jr. RPLS No. 5717
BGE, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700
TBPLS Licensed Surveying Firm No. 10106500

EXHIBIT E

MANVEL TOWN CENTER
PUD DOCUMENT

MANVEL TOWN CENTER
PUD DOCUMENT

I. INTRODUCTION

This PUD Document (this "PUD") was prepared on behalf of Manvel Town Center, Ltd., pursuant to the City of Manvel's ordinances related to Planned Unit Development District (PUD). The purpose of the PUD District is to encourage flexibility in the use and development of land in order to promote the most appropriate uses; to provide a high level of amenities; and to provide flexibility in the development of land subject to the development standards coordinated with the necessary public services and facilities.

The Manvel Town Center PUD District ("Manvel Town Center") is a mixed-use project located within the City of Manvel, Brazoria County, Texas. Manvel Town Center consists of approximately 268.6 acres of land and is physically located immediately west of S.H. 288, straddles both north and south sides of S.H. 6, south of County Road 58, and east of CR 48. Exhibit A - Area Location Map illustrates the location of Manvel Town Center. The overall project site is comprised of several large tracts that have been acquired over the past few years to make one cohesive development.

II. EXISTING CONDITIONS

A. SITE DESCRIPTION

Consistent with property in the region, the site upon which Manvel Town Center will be located (the "Site") is generally flat with ground elevations ranging from 60 feet to 65 feet. Brazoria County is considered to be the coastal prairie with its proximity to the Gulf Coast. The Site has some vegetation but is mostly prairie land and fields. The Site is generally located north of the Atchison, Topeka & Santa Fe Railway Company, west of S.H. 288, south of Rodeo Palms Parkway and east of existing CR 48 and proposed Kirby Drive. Manvel Town Center development is made up of multiple parcels, depicted on Exhibits B and C.

The majority of the Site lies within Brazoria County Municipal Utility District No. 42 (BCMUD No. 42).

Currently, all of the parcels are vacant. There is one pipeline easement, a 30' Trunkline Gas Pipeline Easement, affecting the property located in the southwest portion of the property and positioned northwest/southeast.

An aerial photo of the Site, as well as legal descriptions and boundary surveys are included in the Exhibits section of this document: Exhibit A -Area Map, Exhibit B - Surveys, and Exhibit C - Metes & Bounds Descriptions.

B. SURROUNDING LAND USE

Generally, the surrounding land use is undeveloped acreage with a scattering of large lot residential, commercial sites and industrial sites predominantly to the west and to the south. An existing single-family residential development, Rodeo Palms, is located to the north across Rodeo Palms Parkway. To the east across S.H. 288 is a planned development, The Presidio at Manvel, which has been approved by the City, but development has not yet begun. The majority of the property is currently zoned Light Commercial. A portion of the property along S.H. 288 is currently zoned O-PUD.

The surrounding land uses can be seen on Exhibit A - Area Map located in the Exhibits section of this document.

III. GOALS AND OBJECTIVES

The Manvel Town Center PUD District creates a quality development with the following goals: commercial and retail community cohesiveness, quality and character of community, and orderly growth. Further, the goals reflect the flexibility to achieve a high quality commercial and mixed-use development in a coordinated suburban setting.

The goals and objectives for Manvel Town Center are outlined below.

Goal	Objective
Community Cohesiveness	Provide compatible and functional land uses for employment, shopping, living, entertainment, and similar compatible uses.
Quality and Character of Community	Provide high quality planning and architecture along with implementation of creative designs, building standards, and uniformity in building construction.
Orderly Growth	Provide community integrity through an experienced development team and careful application of flexible regulations and architectural controls.

The goals and objectives for Manvel Town Center will be achieved through the implementation of a series of planning strategies designed to maintain flexibility in the market place. Variety and choice will be achieved by creating a community of mixed land uses that offer a wide range of choices. Manvel Town Center's desirability shall be enhanced by office space, shopping, restaurants, convenience retail, entertainment facilities, commercial uses, and medical facilities. Manvel Town Center may also provide for an urban atmosphere that allows for denser development and to combine land uses within multi-story buildings.

The community's strong character will be ensured through the guidelines listed within the PUD and applicable City of Manvel Ordinances. In addition, there will be a variety of amenities and significant landscaping. The guidelines for these areas may include the following design features:

- A cohesive signage program.
- Buildings with aesthetically pleasing architectural design characteristics.
- Adequate and convenient parking.

A cohesive community will be accomplished by mixing compatible and functional land uses. The combination of commercial, and office uses in a coordinated and controlled environment will provide the residents in the surrounding area with the quality and convenience essential to a quality development.

Orderly growth will be achieved through a master plan implemented by a proven and experienced land development team. This will ensure a completed project that is consistent in character and content, providing residents, businesses and visitors with a clear sense of community.

In summary, the planning strategies to be implemented for Manvel Town Center will ensure its economic feasibility, desirability and quality, by providing flexible land use controls, high quality planning, and thoughtful architectural and aesthetic guidelines.

IV. PROJECT/ PLAN DESCRIPTION

A. LAND USE

Manvel Town Center is poised to be a central location for shopping and entertainment and a source of employment for residents in the area. Manvel Town Center will be composed of multiple land uses that may include, but are not limited to, educational, commercial, retail, hotel, office, entertainment venues, restaurants and dining, and mixed-use. The composition of the permitted land uses may be influenced by market conditions, as well as the PUD development regulations and Appendix A. A variety of land uses will be offered throughout the development.

The Conceptual Development Plan (Exhibit D) for Manvel Town Center illustrates the predominance of commercial and retail uses proposed for this area. The intersection of two

major highways is a prime location for combining and mixing various commercial and retail uses. The proposed mix of uses throughout the development will bring a unique quality to the suburban Manvel area. All land use acreages and locations are preliminary and subject to change as development occurs.

1) Land Use/Regulatory Compliance

Capitalized terms used in this PUD Document have the meanings in the City of Manvel Zoning Ordinance unless otherwise defined herein. Any land use permitted within Appendix A may be freely interchanged within the boundaries of the PUD, provided such uses comply with the PUD regulations. Any modifications to rights of way, detention, and utility sites shall be permitted without an amendment to the document or Exhibit D but shall not be less than or smaller than what is included in the City's currently approved Master Thoroughfare Plan. Once right of way is platted, no further adjustments are permitted. This will allow Manvel Town Center to remain competitive in the real estate market over the life of the project and the ability to make adjustments as necessary to accommodate specific end users in a timely manner. Although the Manvel Zoning ordinance allows the City to freeze permits and/or approvals or discontinue the PUD if the developer fails to timely submit annual reports concerning the status of the PUD, the City agrees not to take any such remedial action unless the developer fails to submit annual reports timely and such failure is not cured within sixty days after written notice by the City of Manvel.

2) Land Use Categories

The land use categories consist of Infrastructure, Commercial/Retail, Mixed Use and Community Elements. No residential uses are permitted. The uses within each category are interchangeable and would not need further approval from the City if currently allowed in a Light Commercial zoned area. Any land use that requires a Specific Use Permit (SUP) in a Light Commercial zone will still require individual approval by the Manvel City Council.

- *Commercial/Retail:* Town Centers are designed to allow for a variety of uses to coexist to meet the retail and service needs of a community. The focus of the Manvel Town Center is to provide the various retail and service to the Manvel community. Allowable uses include those uses listed in Appendix A of this document, and in the Light Commercial District, as defined within the City of Manvel Zoning Ordinance.

- *Mixed Use:* Town Centers often benefit from incorporating buildings that combine a variety of uses, including but not limited to, office, commercial and retail and/or any other use permitted within the PUD. These mixed use facilities encourage interaction between businesses while also creating a more dynamic community.

- *Community Elements:* Town Centers are increasingly becoming popular locations for residents to congregate for relaxation, shopping and entertainment. Compatible open space areas will be developed alongside restaurant, retail and possible urban density commercial development.

If desired, the uses listed may be developed as mixed-use sites, which allow for a variety of uses within a building. For example, retail and restaurant establishments located on the first floor with office, or educational uses on the second and above floors. Other parcels may develop as pad sites. Pad sites are smaller parcels (typically one to two acre sites) and usually developed by one user, such as a restaurant or a bank.

B. ARTERIAL PLAN

The development is surrounded by five major thoroughfares: S.H. 6, S.H. 288, CR 48, Rodeo Palms Parkway and proposed Kirby Drive and shall comply with the City's currently approved Master Thoroughfare Plan. There is also a proposed collector road that will connect Rodeo Palms Parkway to proposed Kirby Drive. The majority of the site has frontage access to S.H. 6, a prominent major thoroughfare, and secondary access through Rodeo Palms Parkway, CR 48 and future Kirby Drive. S.H. 6 is a 6-lane highway plus a center turn lane and is a prominent northwest-southeast corridor in the region. S.H. 288 is also a prominent thoroughfare in the region stretching from Downtown Houston south to the Gulf Coast; however, the site does not currently have direct access to S.H. 288. The visibility along this major corridor provides a great benefit to the entire project. This portion of S.H. 6 through Manvel remains at grade and controls traffic with a series of traffic lights while S.H. 288 design utilizes overpasses at major intersections. This intersection of S.H. 6 and S.H. 288 is ideally positioned as a prime location for all types of commercial development.

Another major thoroughfare providing access to the west side of the overall development is CR 48. CR 48 is an existing roadway that stretches from S.H. 6 north into City of Pearland where the street name changes to Kingsley Drive. The current right of way varies along CR 48, but as development occurs and right of way is dedicated, the width is ultimately planned to be 120 feet.

Kirby Drive, also a major thoroughfare, is proposed in the northwest vicinity and adjacent to the most western boundary of the development. Upon being constructed, Kirby Drive will provide an north south alternative to S.H. 288. In the future, Kirby Drive will provide a connection from S.H. 6 north to Beltway 8. The proposed right of way width of Kirby Drive is 120 feet.

Rodeo Palms Parkway, a major thoroughfare located north of the site, is the primary entry into the single-family residential development, Rodeo Palms. Rodeo Palms Parkway is a 120 foot boulevard currently constructed from its intersection with S.H. 288, west for approximately 1,500 feet. When the roadway is complete, it will provide an east-west connection between S.H. 288 and CR48.

A proposed collector road will connect Rodeo Palms Parkway to Kirby Drive. This will provide local circulation in and around the development. The proposed right of way for this collector road is 80 feet.

Internal access roads and Public Access Easements (PAE.) will be provided throughout the development to ensure adequate internal circulation between the uses.

See Exhibit E - The Arterial Plan, for the proposed alignments all roadways listed above.

C. **DEVELOPMENT GUIDELINES**

This PUD Document amends the zoning for all property within Manvel Town Center and, subject to this PUD Document, all City of Manvel Subdivision and Zoning regulations in place at the time this document is approved by City Council shall apply to this PUD. The City of Manvel Design Criteria Manual (excluding the items specified below) and Construction Standards in effect at the time of building permit applications shall apply to all development within the PUD. The following sections of Section 6 of the Design Criteria Manual, as set forth on Appendix B attached hereto and made a part hereof, shall be grandfathered for the PUD.

Any change to the guidelines below or other applicable regulations shall require a variance granted by the City of Manvel City Council.

1) Roadways

a. Collector Streets (as designated on the Major Thoroughfare Plan)

i. Collectors shall have a right of way width of eighty (80) feet

b. Block Length

i. For property along S.H. 288 frontage, block length shall not exceed 6,200 feet. On commercial developments, internal circulation will be implemented as needed through the use of internal roadways and/or public access easements. All other development will comply with typical block length requirements.

c. Public Access Easements (PAE)

i. Location (see exhibit D)

(1) PAEs are not required on parcels less than 300 feet from the right of way of S.H. 6 or S.H. 288

(2) Refer to Exhibit D for the proposed location of Public Access Easements within the project. The location is conceptual and subject to change. Final location will be determined as development occurs.

(3) There shall be a minimum of one (1) PAE running relatively parallel with S.H. 6 between Kirby and S.H. 288.

(4) There shall be a minimum of one (1) PAE running relatively north-south between S.H. 6 and the northern property line of the tract adjacent to S.H. 288.

ii. PAEs shall be a minimum of twenty-five (25) feet in width.

iii. No parking or loading activity is permitted within, or with direct access to, PAEs.

d. Sidewalks

i. No sidewalks are required along S.H. 288 frontage or S.H. 6 frontage.

ii. Internal pedestrian connectivity will be in compliance with all ADA and TAS requirements.

iii. Sidewalks must be a minimum of four (4) feet in width unless otherwise required in the City's approved Master Thoroughfare Plan.

e. Access

The City agrees that certain parcels may not have physical frontage on an abutting public road. The City agrees that the PUD may provide "satisfactory access" to any lot or parcel within the PUD (as required by Manvel Subdivision Ordinance Section 62-108) from cross access easement(s) which (1) provide for general access to the public, (2) are filed of record, and (3) are noted on a subdivision plat. Corresponding subdivision plats for such parcels will show the recorded cross access easement(s) and/or provide notation of the cross access easement agreement to clarify and show all parcels within the PUD have satisfactory access.

2) Building **Setbacks**

a. If a parcel is adjacent to Kirby Drive, S.H. 6 or S.H. 288

i. Front building setback: Minimum twenty-five (25) feet.

ii. Side and rear building setbacks: Minimum fifteen (15) feet.

b. If a parcel is adjacent to a collector or internal local street

i. Front building setback: Minimum ten (10) feet

ii. Side and rear building setbacks: zero if adjacent to commercial/retail or ten (10) feet if adjacent to Residential.

iii. Corner side setback: Minimum five (5) feet

3) Building Height

a. Building heights must be in compliance with the below standards:

i. Pad Site - No building may exceed thirty-five (35) feet in height.

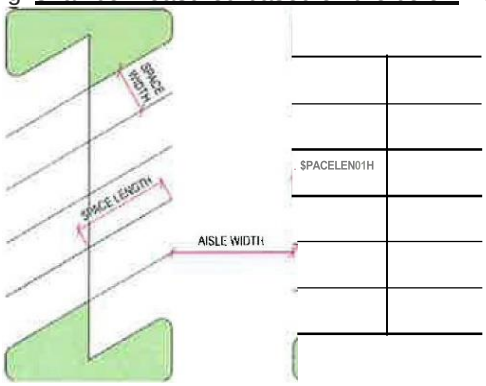
ii. Commercial Anchor Tenant- No building may exceed sixty (60) feet in height
iii. Mixed Use, office, medical and/or other multi-story uses - No building may exceed 150 feet in height.

4) Building Materials

a. All commercial buildings must be composed of a minimum of seventy-five percent (75%) masonry, exclusive of windows, doors or other transparent materials. The calculation shall be based on the total square footage of all facades.
b. The following materials shall meet the masonry requirement:
   i. Stone
   ii. Brick
   iii. Concrete (including tilt wall)
   iv. Hollow clay tile
   v. Concrete Masonry Unit (CMU)
   vi. Glass block
   vii. True Stucco
   viii. Insulated concrete forms (ICF)
c. Non-masonry materials may not exceed twenty-five (25) percent of the building's elevation.
d. The following non-masonry materials are permitted. Prior to approval of the use of the below materials, proof must be provided to show that the material and installation process meets ICC and Texas Windstorm standards and as approved by the City's Building Official or City Engineer.
   i. Cementitious Fiber
   ii. EIFS
   iii. Architectural metal panels
e. Nationally or regionally recognized chains will be permitted to use company specific materials not listed above (metal roofing and/or siding, wood siding, and other materials)
   i. Regionally recognized chains shall mean any chain with a minimum of five (5) locations within the greater Houston area.
   ii. Nationally recognized chains shall mean any chain with a minimum of ten (10) locations across two (2) or more states.
f. All color selections shall be harmonious with adjacent development within the site and consistent with first rate commercial development in the area.

5) Parking

a. The project should have a minimum of 5.0 spaces per 1,000 square feet of gross leasable floor area.
b. Shared parking is permitted, subject to a public agreement between the participating owners. Shared parking shall satisfy the minimum parking ratio requirements.
c. All parking <u>shall be measured based on the below</u> illustration:



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d. All parking stalls shall be a minimum of ten (10) feet in width by nineteen (19) feet in length and must meet the minimum requirements in the table below:

	Angle	Aisle Width (ft)
One Way	0 Degrees	14
	60 Degrees	~~24~~ 18
	90 Degrees	24
Two Way	0 Degrees	20
	60 Degrees	24
	90 Degrees	24

6) Lighting

a. In addition to the requirements listed within the City of Manvel Subdivision Ordinance, all development must comply with the Dark Sky Regulations as depicted in the Fort Bend County Outdoor Lighting Regulations in effect at the time this document is approved. This ensures minimal impact to the surrounding areas and limits light pollution.

7) Detention

a. Detention facilities may be temporarily located on land within future phases of the project.
b. Any temporary detention capacity shall be filed at the County with the off-site property owner's acknowledgement and approval.

8) Open Storage

a. Open storage is permitted within the parking lot for temporary seasonal sales or temporary promotional events.
b. No permits are required for temporary storage.

9) Landscape Requirements

a. A minimum of ten (10) percent of the site (excluding building footprint) shall be landscaped. All pervious area shall be counted toward the total landscape area.
b. Landscaping and/or decorative fence shall screen outside storage areas, loading docks, garbage collection bins and delivery entrances from adjacent property and public street right of way.
c. Street Trees
   i. A minimum of 1 and ½ caliper inches is required for every thirty (30) feet of street frontage.
   ii. No street tree shall be less than three (3) inch caliper
   iii. The maximum allowed spacing between trees is forty-five (45) feet.
   iv. Trees may grouped or placed at regular intervals so long as the spacing requirements listed above are met.
d. Parking lot landscaping
   i. In addition to the Street Trees noted above, a tree of minimum two inch (2") caliper shall be provided within or adjacent to the parking area at tree islands that:
      a. Are at least nine feet (9') wide.
      b. Each have a square footage of minimum 180 SF.
      c. Are located so that no parking space is further away than one hundred feet (100') from a tree island
   ii. Shrub planting shall be placed along the perimeter of a parking lot in order to screen the parking lot. The shrubs shall be maintained at a maximum height of 36 inches.

iii. At entrance and exits, shrubs shall be no higher than twelve (12) inches in height.

D. UTILITIES

Manvel Town Center is included in the Brazoria County Municipal Utility District No. 42 (BCMUD No. 42). A complete utility system is being planned that will include a water distribution system, wastewater collection system, and a storm drainage system. See Exhibit D for proposed location of Water Plant and Waste Water Treatment Plant sites. If necessary, additional utility sites will be determined as development occurs.

Design and construction of these facilities will be in accordance with the criteria established by the City of Manvel, Brazoria County, Texas Commission on Environmental Quality ("TCEQ"), and the Texas Department of Health.

The storm drainage system will include both on-site and off-site facilities. There are a series of detention facilities proposed throughout the site. See Exhibit D. All storm drainage improvements will be designed in accordance with criteria established by Brazoria Drainage District No. 4. As with the other utilities, the drainage and detention locations are subject to change dependent upon future regionalization of facilities. However, any facility constructed shall meet all applicable local and state regulations.

When applicable, regionalization opportunities for all waste water treatment plans, water plants and other utility sites will be considered.

E. SIGNAGE

All signage must be composed of materials and colors compatible with the associated use and the overall development. The following regulations shall apply:

1) Multi-Tenant Pylon Signs -A multi-tenant sign is defined as a freestanding sign with signage panels for multiple tenants within a single development. In some instances, a multi-tenant sign may be considered off-premise.

a. Maximum Height
   i) Signs shall not exceed fifty (50) feet in height along S.H. 288 frontage.
   ii) Signs shall not exceed forty (40) in height along all other street frontage.
   iii) The bottom of such sign message area shall not be less than ten (10) feet above the surrounding finished grade level.
b. Maximum Width - twenty-five (25) feet.
c. Off-premise signage is permitted for other uses within the Manvel Town Center development.
d. One (1) multi-tenant sign is permitted for each entrance into the development from S.H. 288 and S.H. 6 that is approved by the Texas Department of Transportation (TxDot)

2) **Single Tenant Monument/Pylon Signs** - A single-tenant sign is defined as a freestanding sign advertising a single use.

a. Maximum Height
   i) Signs may not exceed six (6) feet in height.
b. Signs shall not exceed fifty (50) square footage in area
c. One single tenant monument sign is permitted for each parcel. If a parcel has frontage on two thoroughfares, one monument sign is permitted on each street frontage.
d. At no point shall any single tenant monument/pylon sign be within 100 feet of any other sign.

3) **Fuel Station Signage**

a. Electronic reader boards/LED screens may be used at fuel stations so long as
   i) the screens only display fuel price and grade information; and
   ii) the screens do not rapidly change display, flash, or pulse.

b. in addition to the electronic reader board/LED signage described above, fuel stations may also have canopy signage, as follows:
   i) Signage may be incorporated on all sides of the canopy so long as it does not cover more than 50% of the total canopy area.
   ii) Maximum letter height - Twenty-four (24) inches for one line of text, eighteen (18) inches for two lines of text.
   iii) The face of any LED fuel pricing sign will not exceed 100 SF. Signage may include the fuel station's graphics, logos, and similar branding. See Exhibit H for a general depiction of permitted LED signage.

4) **Wall Mounted Signage**

a. Buildings thirty (30) feet or less in height.
   i) Maximum Letter Height - thirty-six (36) inches for one line of text, eighteen (18) inches for two lines of text
   ii) Maximum overall Height - thirty-six (36) inches for one line of text, forty-two (42) inches for two lines of text.
   The signage face shall not exceed 80% of storefront width of the tenant space.

b. Buildings over thirty (30) feet in height.
   i) For every additional six (6) feet in height over thirty (30) feet, an additional twelve (12) inches of letter height is permitted, up to a maximum overall height of seventy two (72) inches.
   ii) The signage face shall not exceed 80% of storefront width of the tenant.

c. Anchor Tenants over 80,000 square feet
   i) Wall mounted signage may not exceed 92" in overall height.

5) **General Signage Requirements**

a. All signage shall be located a minimum of ten (10) feet from the property line.
b. There shall be a minimum of 100 feet between signs.
c. All signage must be perpendicular to the right of way.
d. Electronic Reader Boards/ LED screens are not permitted along public roadways except when used at fuel stations in accordance with item E.(3) above. When they are used in other areas of the development, the following regulations apply:
   i) No internal or external illumination of the LED screens will be allowed between the hours of 10 p.m. and 6 a.m.
   ii) Maximum illumination will be the difference between ambient light and full wattage cannot be more than .2 foot-candles at 75 feet.
   iii) Maximum wattage will be 6,500.
e. Electronic reader boards/LED screens may be used at fuel stations so long as
   i) the screens are used to display fuel price and grade information only; and
   ii) the screens do not rapidly change display, flash, or pulse.

6) **Temporary Signage:** Temporary signage shall be subject to the regulations listed in Section 53-10 of the City of Manvel Code of Ordinances in effect at the time this document is approved by City Council.

7) **Prohibited Signage:** Unless specifically permitted in the above regulations, all signage listed in 53-11 of the City of Manvel Code of Ordinances in effect at the time this document is approved by City Council, is prohibited.

F. SITE PLANS

The development of individual parcels of commercial and residential shall meet all development guidelines specified above, including lighting, trash receptacles, signage, and landscaping.

1) Development Review and Approval
As a part of the permitting process, all development will be reviewed and approved by the city staff and the Development Review Committee to ensure compliance with the PUD document. A permit shall not be unreasonably withheld so long as all PUD standards are met and it does not negatively impact the health and safety of the community.

G. AMENITIES/ OPEN SPACE/ LANDSCAPING

Dependent upon the land uses developed, appropriate open space areas will also be created and/or considered. However, no dedicated open space is required for commercial development.

H. PHASING/ DEVELOPMENT SCHEDULE

The phasing of the development depends highly upon market conditions. Phase I may focus on the tracts along S.H. 6. The parcels along S.H. 6 currently have full access to a major thoroughfare and are a superior location for commercial / retail development. Phase II may focus on the parcel located at the intersection of S.H. 6 and S.H. 288. Access is available and a high volume of traffic passes through this intersection. Phase Ill may be the northernmost parcel adjacent to and west of S.H. 288. Phase IV will consist of the property south of S.H. 6. Refer to Exhibit G.

Following approval, the PUD document will remain in effect until a new zoning classification or PUD amendment is approved for the property. There shall be no expiration on this PUD document.

V. LIST OF APPENDICES AND EXHIBITS

The following appendices and exhibits are attached to and made a part of this Application.

Appendix A - Additional Permitted Uses
Appendix B - Additional Site Development Requirements and Design Criteria
Exhibit A - Area Location Map
Exhibit B - Surveys
Exhibit C - Metes and Bounds Descriptions
Exhibit D - Conceptual Plan
Exhibit E -Arterial Plan
Exhibit F - Detention Plan
Exhibit G - Phasing Plan
Exhibit H - LED Sign

EXHIBIT E

MANVEL TOWN CENTER
PUD DOCUMENT

MANVEL TOWN CENTER
PUD DOCUMENT

I. INTRODUCTION

This PUD Document (this "PUD") was prepared on behalf of Manvel Town Center, Ltd., pursuant to the City of Manvel's ordinances related to Planned Unit Development District (PUD). The purpose of the PUD District is to encourage flexibility in the use and development of land in order to promote the most appropriate uses; to provide a high level of amenities; and to provide flexibility in the development of land subject to the development standards coordinated with the necessary public services and facilities.

The Manvel Town Center PUD District ("Manvel Town Center") is a mixed-use project located within the City of Manvel, Brazoria County, Texas. Manvel Town Center consists of approximately 268.6 acres of land and is physically located immediately west of S.H. 288, straddles both north and south sides of S.H. 6, south of County Road 58, and east of CR 48. Exhibit A - Area Location Map illustrates the location of Manvel Town Center. The overall project site is comprised of several large tracts that have been acquired over the past few years to make one cohesive development.

II. EXISTING CONDITIONS

A. SITE DESCRIPTION

Consistent with property in the region, the site upon which Manvel Town Center will be located (the "Site") is generally flat with ground elevations ranging from 60 feet to 65 feet. Brazoria County is considered to be the coastal prairie with its proximity to the Gulf Coast. The Site has some vegetation but is mostly prairie land and fields. The Site is generally located north of the Atchison, Topeka & Santa Fe Railway Company, west of S.H. 288, south of Rodeo Palms Parkway and east of existing CR 48 and proposed Kirby Drive. Manvel Town Center development is made up of multiple parcels, depicted on Exhibits B and C.

The majority of the Site lies within Brazoria County Municipal Utility District No. 42 (BCMUD No. 42).

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Generally, the surrounding land use is undeveloped acreage with a scattering of large lot residential, commercial sites and industrial sites predominantly to the west and to the south. An existing single-family residential development, Rodeo Palms, is located to the north across Rodeo Palms Parkway. To the east across S.H. 288 is a planned development, The Presidio at Manvel, which has been approved by the City, but development has not yet begun. The majority of the property is currently zoned Light Commercial. A portion of the property along S.H. 288 is currently zoned O-PUD.

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major highways is a prime location for combining and mixing various commercial and retail uses. The proposed mix of uses throughout the development will bring a unique quality to the suburban Manvel area. All land use acreages and locations are preliminary and subject to change as development occurs.

1) Land Use/Regulatory Compliance

Capitalized terms used in this PUD Document have the meanings in the City of Manvel Zoning Ordinance unless otherwise defined herein. Any land use permitted within Appendix A may be freely interchanged within the boundaries of the PUD, provided such uses comply with the PUD regulations. Any modifications to rights of way, detention, and utility sites shall be permitted without an amendment to the document or Exhibit D but shall not be less than or smaller than what is included in the City's currently approved Master Thoroughfare Plan. Once right of way is platted, no further adjustments are permitted. This will allow Manvel Town Center to remain competitive in the real estate market over the life of the project and the ability to make adjustments as necessary to accommodate specific end users in a timely manner. Although the Manvel Zoning ordinance allows the City to freeze permits and/or approvals or discontinue the PUD if the developer fails to timely submit annual reports concerning the status of the PUD, the City agrees not to take any such remedial action unless the developer fails to submit annual reports timely and such failure is not cured within sixty days after written notice by the City of Manvel.

2) Land Use Categories

The land use categories consist of Infrastructure, Commercial/Retail, Mixed Use and Community Elements. No residential uses are permitted. The uses within each category are interchangeable and would not need further approval from the City if currently allowed in a Light Commercial zoned area. Any land use that requires a Specific Use Permit (SUP) in a Light Commercial zone will still require individual approval by the Manvel City Council.

- *Commercial/Retail:* Town Centers are designed to allow for a variety of uses to coexist to meet the retail and service needs of a community. The focus of the Manvel Town Center is to provide the various retail and service to the Manvel community. Allowable uses include those uses listed in Appendix A of this document, and in the Light Commercial District, as defined within the City of Manvel Zoning Ordinance.

- *Mixed Use:* Town Centers often benefit from incorporating buildings that combine a variety of uses, including but not limited to, office, commercial and retail and/or any other use permitted within the PUD. These mixed use facilities encourage interaction between businesses while also creating a more dynamic community.

- *Community Elements:* Town Centers are increasingly becoming popular locations for residents to congregate for relaxation, shopping and entertainment. Compatible open space areas will be developed alongside restaurant, retail and possible urban density commercial development.

If desired, the uses listed may be developed as mixed-use sites, which allow for a variety of uses within a building. For example, retail and restaurant establishments located on the first floor with office, or educational uses on the second and above floors. Other parcels may develop as pad sites. Pad sites are smaller parcels (typically one to two acre sites) and usually developed by one user, such as a restaurant or a bank.

B. ARTERIAL PLAN

The development is surrounded by five major thoroughfares: S.H. 6, S.H. 288, CR 48, Rodeo Palms Parkway and proposed Kirby Drive and shall comply with the City's currently approved Master Thoroughfare Plan. There is also a proposed collector road that will connect Rodeo Palms Parkway to proposed Kirby Drive. The majority of the site has frontage access to S.H. 6, a prominent major thoroughfare, and secondary access through Rodeo Palms Parkway, CR 48 and future Kirby Drive. S.H. 6 is a 6-lane highway plus a center turn lane and is a prominent northwest-southeast corridor in the region. S.H. 288 is also a prominent thoroughfare in the region stretching from Downtown Houston south to the Gulf Coast; however, the site does not currently have direct access to S.H. 288. The visibility along this major corridor provides a great benefit to the entire project. This portion of S.H. 6 through Manvel remains at grade and controls traffic with a series of traffic lights while S.H. 288 design utilizes overpasses at major intersections. This intersection of S.H. 6 and S.H. 288 is ideally positioned as a prime location for all types of commercial development.

Another major thoroughfare providing access to the west side of the overall development is CR 48. CR 48 is an existing roadway that stretches from S.H. 6 north into City of Pearland where the street name changes to Kingsley Drive. The current right of way varies along CR 48, but as development occurs and right of way is dedicated, the width is ultimately planned to be 120 feet.

Kirby Drive, also a major thoroughfare, is proposed in the northwest vicinity and adjacent to the most western boundary of the development. Upon being constructed, Kirby Drive will provide an north south alternative to S.H. 288. In the future, Kirby Drive will provide a connection from S.H. 6 north to Beltway 8. The proposed right of way width of Kirby Drive is 120 feet.

Rodeo Palms Parkway, a major thoroughfare located north of the site, is the primary entry into the single-family residential development, Rodeo Palms. Rodeo Palms Parkway is a 120 foot boulevard currently constructed from its intersection with S.H. 288, west for approximately 1,500 feet. When the roadway is complete, it will provide an east-west connection between S.H. 288 and CR48.

A proposed collector road will connect Rodeo Palms Parkway to Kirby Drive. This will provide local circulation in and around the development. The proposed right of way for this collector road is 80 feet.

Internal access roads and Public Access Easements (PAE.) will be provided throughout the development to ensure adequate internal circulation between the uses.

See Exhibit E - The Arterial Plan, for the proposed alignments all roadways listed above.

C. **DEVELOPMENT GUIDELINES**

This PUD Document amends the zoning for all property within Manvel Town Center and, subject to this PUD Document, all City of Manvel Subdivision and Zoning regulations in place at the time this document is approved by City Council shall apply to this PUD. The City of Manvel Design Criteria Manual (excluding the items specified below) and Construction Standards in effect at the time of building permit applications shall apply to all development within the PUD. The following sections of Section 6 of the Design Criteria Manual, as set forth on Appendix B attached hereto and made a part hereof, shall be grandfathered for the PUD.

Any change to the guidelines below or other applicable regulations shall require a variance granted by the City of Manvel City Council.

1) Roadways

a. Collector Streets (as designated on the Major Thoroughfare Plan)

i. Collectors shall have a right of way width of eighty (80) feet

b. Block Length

i. For property along S.H. 288 frontage, block length shall not exceed 6,200 feet. On commercial developments, internal circulation will be implemented as needed through the use of internal roadways and/or public access easements. All other development will comply with typical block length requirements.

c. Public Access Easements (PAE)

i. Location (see exhibit D)

(1) PAEs are not required on parcels less than 300 feet from the right of way of S.H. 6 or S.H. 288

(2) Refer to Exhibit D for the proposed location of Public Access Easements within the project. The location is conceptual and subject to change. Final location will be determined as development occurs.

(3) There shall be a minimum of one (1) PAE running relatively parallel with S.H. 6 between Kirby and S.H. 288.

(4) There shall be a minimum of one (1) PAE running relatively north-south between S.H. 6 and the northern property line of the tract adjacent to S.H. 288.

ii. PAEs shall be a minimum of twenty-five (25) feet in width.

iii. No parking or loading activity is permitted within, or with direct access to, PAEs.

d. Sidewalks

i. No sidewalks are required along S.H. 288 frontage or S.H. 6 frontage.

ii. Internal pedestrian connectivity will be in compliance with all ADA and TAS requirements.

iii. Sidewalks must be a minimum of four (4) feet in width unless otherwise required in the City's approved Master Thoroughfare Plan.

e. Access

The City agrees that certain parcels may not have physical frontage on an abutting public road. The City agrees that the PUD may provide "satisfactory access" to any lot or parcel within the PUD (as required by Manvel Subdivision Ordinance Section 62-108) from cross access easement(s) which (1) provide for general access to the public, (2) are filed of record, and (3) are noted on a subdivision plat. Corresponding subdivision plats for such parcels will show the recorded cross access easement(s) and/or provide notation of the cross access easement agreement to clarify and show all parcels within the PUD have satisfactory access.

2) Building **Setbacks**

a. If a parcel is adjacent to Kirby Drive, S.H. 6 or S.H. 288

i. Front building setback: Minimum twenty-five (25) feet.

ii. Side and rear building setbacks: Minimum fifteen (15) feet.

b. If a parcel is adjacent to a collector or internal local street

i. Front building setback: Minimum ten (10) feet

ii. Side and rear building setbacks: zero if adjacent to commercial/retail or ten (10) feet if adjacent to Residential.

iii. Corner side setback: Minimum five (5) feet

3) Building Height

a. Building heights must be in compliance with the below standards:

i. Pad Site - No building may exceed thirty-five (35) feet in height.

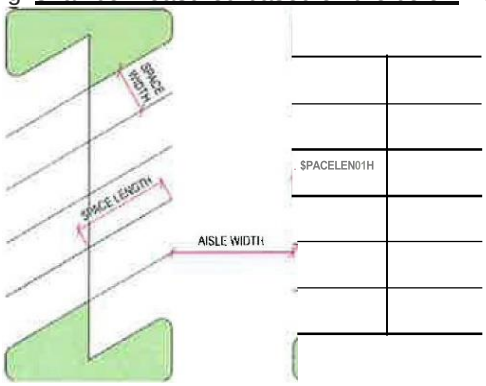
ii. Commercial Anchor Tenant- No building may exceed sixty (60) feet in height
iii. Mixed Use, office, medical and/or other multi-story uses - No building may exceed 150 feet in height.

4) Building Materials

a. All commercial buildings must be composed of a minimum of seventy-five percent (75%) masonry, exclusive of windows, doors or other transparent materials. The calculation shall be based on the total square footage of all facades.
b. The following materials shall meet the masonry requirement:
   i. Stone
   ii. Brick
   iii. Concrete (including tilt wall)
   iv. Hollow clay tile
   v. Concrete Masonry Unit (CMU)
   vi. Glass block
   vii. True Stucco
   viii. Insulated concrete forms (ICF)
c. Non-masonry materials may not exceed twenty-five (25) percent of the building's elevation.
d. The following non-masonry materials are permitted. Prior to approval of the use of the below materials, proof must be provided to show that the material and installation process meets ICC and Texas Windstorm standards and as approved by the City's Building Official or City Engineer.
   i. Cementitious Fiber
   ii. EIFS
   iii. Architectural metal panels
e. Nationally or regionally recognized chains will be permitted to use company specific materials not listed above (metal roofing and/or siding, wood siding, and other materials)
   i. Regionally recognized chains shall mean any chain with a minimum of five (5) locations within the greater Houston area.
   ii. Nationally recognized chains shall mean any chain with a minimum of ten (10) locations across two (2) or more states.
f. All color selections shall be harmonious with adjacent development within the site and consistent with first rate commercial development in the area.

5) Parking

a. The project should have a minimum of 5.0 spaces per 1,000 square feet of gross leasable floor area.
b. Shared parking is permitted, subject to a public agreement between the participating owners. Shared parking shall satisfy the minimum parking ratio requirements.
c. All parking <u>shall be measured based on the below</u> illustration:



3938862.4

d. All parking stalls shall be a minimum of ten (10) feet in width by nineteen (19) feet in length and must meet the minimum requirements in the table below:

	Angle	Aisle Width (ft)
One Way	0 Degrees	14
	60 Degrees	18
	90 Degrees	24
Two Way	0 Degrees	20
	60 Degrees	24
	90 Degrees	24

6) Lighting

a. In addition to the requirements listed within the City of Manvel Subdivision Ordinance, all development must comply with the Dark Sky Regulations as depicted in the Fort Bend County Outdoor Lighting Regulations in effect at the time this document is approved. This ensures minimal impact to the surrounding areas and limits light pollution.

7) Detention

a. Detention facilities may be temporarily located on land within future phases of the project.
b. Any temporary detention capacity shall be filed at the County with the off-site property owner's acknowledgement and approval.

8) Open Storage

a. Open storage is permitted within the parking lot for temporary seasonal sales or temporary promotional events.
b. No permits are required for temporary storage.

9) Landscape Requirements

a. A minimum of ten (10) percent of the site (excluding building footprint) shall be landscaped. All pervious area shall be counted toward the total landscape area.
b. Landscaping and/or decorative fence shall screen outside storage areas, loading docks, garbage collection bins and delivery entrances from adjacent property and public street right of way.
c. Street Trees
   i. A minimum of 1 and ½ caliper inches is required for every thirty (30) feet of street frontage.
   ii. No street tree shall be less than three (3) inch caliper
   iii. The maximum allowed spacing between trees is forty-five (45) feet.
   iv. Trees may grouped or placed at regular intervals so long as the spacing requirements listed above are met.
d. Parking lot landscaping
   i. In addition to the Street Trees noted above, a tree of minimum two inch (2") caliper shall be provided within or adjacent to the parking area at tree islands that:
      a. Are at least nine feet (9') wide.
      b. Each have a square footage of minimum 180 SF.
      c. Are located so that no parking space is further away than one hundred feet (100') from a tree island
   ii. Shrub planting shall be placed along the perimeter of a parking lot in order to screen the parking lot. The shrubs shall be maintained at a maximum

height of 36 inches.

iii. At entrance and exits, shrubs shall be no higher than twelve (12) inches in height.

D. UTILITIES

Manvel Town Center is included in the Brazoria County Municipal Utility District No. 42 (BCMUD No. 42). A complete utility system is being planned that will include a water distribution system, wastewater collection system, and a storm drainage system. See Exhibit D for proposed location of Water Plant and Waste Water Treatment Plant sites. If necessary, additional utility sites will be determined as development occurs.

Design and construction of these facilities will be in accordance with the criteria established by the City of Manvel, Brazoria County, Texas Commission on Environmental Quality ("TCEQ"), and the Texas Department of Health.

The storm drainage system will include both on-site and off-site facilities. There are a series of detention facilities proposed throughout the site. See Exhibit D. All storm drainage improvements will be designed in accordance with criteria established by Brazoria Drainage District No. 4. As with the other utilities, the drainage and detention locations are subject to change dependent upon future regionalization of facilities. However, any facility constructed shall meet all applicable local and state regulations.

When applicable, regionalization opportunities for all waste water treatment plans, water plants and other utility sites will be considered.

E. SIGNAGE

All signage must be composed of materials and colors compatible with the associated use and the overall development. The following regulations shall apply:

1) Multi-Tenant Pylon Signs -A multi-tenant sign is defined as a freestanding sign with signage panels for multiple tenants within a single development. In some instances, a multi-tenant sign may be considered off-premise.

a. Maximum Height
   i) Signs shall not exceed fifty (50) feet in height along S.H. 288 frontage.
   ii) Signs shall not exceed forty (40) in height along all other street frontage.
   iii) The bottom of such sign message area shall not be less than ten (10) feet above the surrounding finished grade level.
b. Maximum Width - twenty-five (25) feet.
c. Off-premise signage is permitted for other uses within the Manvel Town Center development.
d. One (1) multi-tenant sign is permitted for each entrance into the development from S.H. 288 and S.H. 6 that is approved by the Texas Department of Transportation (TxDot)

2) **Single Tenant Monument/Pylon Signs** - A single-tenant sign is defined as a freestanding sign advertising a single use.

a. Maximum Height
   i) Signs may not exceed six (6) feet in height.
b. Signs shall not exceed fifty (50) square footage in area
c. One single tenant monument sign is permitted for each parcel. If a parcel has frontage on two thoroughfares, one monument sign is permitted on each street frontage.
d. At no point shall any single tenant monument/pylon sign be within 100 feet of any other sign.

3) **Fuel Station Signage**

a. Electronic reader boards/LED screens may be used at fuel stations so long as
   i) the screens only display fuel price and grade information; and
   ii) the screens do not rapidly change display, flash, or pulse.

b. in addition to the electronic reader board/LED signage described above, fuel stations may also have canopy signage, as follows:
   i) Signage may be incorporated on all sides of the canopy so long as it does not cover more than 50% of the total canopy area.
   ii) Maximum letter height - Twenty-four (24) inches for one line of text, eighteen (18) inches for two lines of text.
   iii) The face of any LED fuel pricing sign will not exceed 100 SF. Signage may include the fuel station's graphics, logos, and similar branding. See Exhibit H for a general depiction of permitted LED signage.

4) **Wall Mounted Signage**

a. Buildings thirty (30) feet or less in height.
   i) Maximum Letter Height - thirty-six (36) inches for one line of text, eighteen (18) inches for two lines of text
   ii) Maximum overall Height - thirty-six (36) inches for one line of text, forty-two (42) inches for two lines of text.
   The signage face shall not exceed 80% of storefront width of the tenant space.

b. Buildings over thirty (30) feet in height.
   i) For every additional six (6) feet in height over thirty (30) feet, an additional twelve (12) inches of letter height is permitted, up to a maximum overall height of seventy two (72) inches.
   ii) The signage face shall not exceed 80% of storefront width of the tenant.

c. Anchor Tenants over 80,000 square feet
   i) Wall mounted signage may not exceed 92" in overall height.

5) **General Signage Requirements**

a. All signage shall be located a minimum of ten (10) feet from the property line.
b. There shall be a minimum of 100 feet between signs.
c. All signage must be perpendicular to the right of way.
d. Electronic Reader Boards/ LED screens are not permitted along public roadways except when used at fuel stations in accordance with item E.(3) above. When they are used in other areas of the development, the following regulations apply:
   i) No internal or external illumination of the LED screens will be allowed between the hours of 10 p.m. and 6 a.m.
   ii) Maximum illumination will be the difference between ambient light and full wattage cannot be more than .2 foot-candles at 75 feet.
   iii) Maximum wattage will be 6,500.
e. Electronic reader boards/LED screens may be used at fuel stations so long as
   i) the screens are used to display fuel price and grade information only; and
   ii) the screens do not rapidly change display, flash, or pulse.

6) **Temporary Signage:** Temporary signage shall be subject to the regulations listed in Section 53-10 of the City of Manvel Code of Ordinances in effect at the time this document is approved by City Council.

7) **Prohibited Signage:** Unless specifically permitted in the above regulations, all signage listed in 53-11 of the City of Manvel Code of Ordinances in effect at the time this document is approved by City Council, is prohibited.

F. SITE PLANS

The development of individual parcels of commercial and residential shall meet all development guidelines specified above, including lighting, trash receptacles, signage, and landscaping.

1) Development Review and Approval
As a part of the permitting process, all development will be reviewed and approved by the city staff and the Development Review Committee to ensure compliance with the PUD document. A permit shall not be unreasonably withheld so long as all PUD standards are met and it does not negatively impact the health and safety of the community.

G. AMENITIES/ OPEN SPACE/ LANDSCAPING

Dependent upon the land uses developed, appropriate open space areas will also be created and/or considered. However, no dedicated open space is required for commercial development.

H. PHASING/ DEVELOPMENT SCHEDULE

The phasing of the development depends highly upon market conditions. Phase I may focus on the tracts along S.H. 6. The parcels along S.H. 6 currently have full access to a major thoroughfare and are a superior location for commercial / retail development. Phase II may focus on the parcel located at the intersection of S.H. 6 and S.H. 288. Access is available and a high volume of traffic passes through this intersection. Phase Ill may be the northernmost parcel adjacent to and west of S.H. 288. Phase IV will consist of the property south of S.H. 6. Refer to Exhibit G.

Following approval, the PUD document will remain in effect until a new zoning classification or PUD amendment is approved for the property. There shall be no expiration on this PUD document.

V. LIST OF APPENDICES AND EXHIBITS

The following appendices and exhibits are attached to and made a part of this Application.

Appendix A - Additional Permitted Uses
Appendix B - Additional Site Development Requirements and Design Criteria
Exhibit A - Area Location Map
Exhibit B - Surveys
Exhibit C - Metes and Bounds Descriptions
Exhibit D - Conceptual Plan
Exhibit E -Arterial Plan
Exhibit F - Detention Plan
Exhibit G - Phasing Plan
Exhibit H - LED Sign

d. The number of off-street parking spaces recommended for each building or use shall be determined by reference to the following table of parking groups. Where several different property uses will share a joint parking area, the parking should be computed based upon the overall development. Shopping centers containing not more than 200,000 square feet of gross leasable floor area should have a minimum of six spaces per 1,000 square feet of gross leasable floor area. Shopping centers containing more than 200,000 square feet of gross floor area should have a minimum of 5.5 spaces per 1,000 square feet of gross leasable floor area.

e. The Parking Group Table can be found in the Zoning Ordinance, Section 77-45.

f. The design and dimensions of off-street parking areas shall be in accordance with the following table of minimum dimensions. The minimum size of a parking spaces shall be 10 (ten) feet wide and twenty (20) feet long. All dimensions below are in feet:

	Angle			
	0°	*45°*	*60°*	*90°*
Stall, parallel to aisle	24.0	10.0	10.0	10.0
Stall, perpendicular to aisle	10.0	20.0	20.0	20.0
Aisle width, one-way	12.0	15.0	18.0	24.0
Aisle width, two-way	24.0	24.0	24.0	24.0
Cross aisle, one-way	12.0	15.0	18.0	12.0
Cross aisle, two-way	24.0	24.0	24.0	24.0

g. Off-street parking spaces shall be clearly marked. Parking spaces abutting an adjoining property line or street right-of-way shall be provided with wheel guards or bumper guards so located that no part of a normally parked vehicle will extend beyond the property line. When wheel guards are used, they shall be centered 2.5 feet from the property line for 90-degree parking, 2.3 feet for 60-degree parking, and 2.0 feet for 45-degree and 30-degree parking

h. Approval of the parking area layout and design of all off-street parking areas shall be by the City. The City shall determine that spaces provided are usable, and that the circulation pattern of the area is adequate.

i. Mixed/Combination of Land Uses - Where a mixed or combination of land uses are proposed, parking shall be calculated based on the respective requirements of each land use. Shared parking is encouraged, if appropriate.

j. All new parking shall be constructed with concrete, with a minimum slab thickness of 6 inches with f_c = 3,500 psi and reinforcement shall be Grade 60, f_y = 60,000 psi, #4 deformed reinforcing bars spaced at 18 inches center to center both ways and minimum lap lengths of 18 inches.

12. Fences in any single-family residential district may not exceed six feet in height. Fences in districts other than single-family residential, may not exceed eight feet in height. Barbed wire fences are only allowed on property at least two acres in size and the barbed wire portion of the fence shall be no higher than 52 inches as measured from the natural ground.

a. Perimeter fencing adjacent to Major Thoroughfares shall be masonry.

b. Perimeter fencing adjacent to Detention Ponds and Amenity Lakes shall be ornamental (wrought) iron.

c. Perimeter fencing to be installed prior to the release of the One Year Maintenance Bond.

City of Manvel
Oil/gas drilling

Well Name: Lemmer, J. #12
Date: 11/02/2022

a. Applicant Name: Denbury Onshore, LLC
Address: 5851 Legacy Cirlce, Suite 1200
Telephone: 972-673-2867
E-mail: veronica.carr@denbury.com
Fax:

B. State of Incorporation Delaware

C. Partnership:
General Partners Address:
Telephone:
E-mail:
Fax:

D. Emergency Contact: Hastings/Manvel Field Office
Address: 19315 Hwy 35 North, Alvin, TX 77511
Telephone: 972-673-2222 (24-hr emergency contact)
E-mail:
Fax:

E. Lot, Block or Track # of Well Loc
Spragins, T. Survey, A-366
Proposed Depth: 6200
Proposed complete casing program of well
Existing: Surface Casing @ 0-1,600', 8-5/8", 24# K-55. Production Casing @ 0-4,504', 5-1/2", 15.5# K-55; **New**: Liner Casing @ 0-6,157', 4", 10.46# L80
Exact and correct # of acres allocated by the state RR Commissioner to the well: 10 acres

Attached to the application shall be:

_____ A) A plat prepared by a duly registered surveyor showing the exact location of the proposed well with respect to the boundaries of the lot, block, or tract for which applicant has secured the rights from the owner to drill or deepen; a designation of the area owned or controlled by the applicant, and allocated to the proposed well, and the distances from the well location to all residences, commercial buildings and structures situated within the leased boundaries;

_____ B) A map showing the proposed drill site in relation to the nearest public roadways and the proposed route of ingress and egress by the applicant to such site;

_____ C) A copy of Texas Railroad Commission Form W-1. (Application to Drill, Deepen, Plug Back or Re-enter);

_____ D) Copies of RRC Form H-15, A Test on an Inactive Well More Than 25 Years Old, for all wells within the regulated area that are operated by applicant; and A copy of TNRCC-0051, "Depth of Usable Groundwater to be Protected."

_____ E) A copy of TNRCC-0051, "Depth of Usable Groundwater to be Protected."

_____ F) Each application shall be accompanied by a cashier's check in the amount of $1,000.00, made payable to the city, which shall constitute a filing fee. Each supplemental application shall furnish the information and conform with the requirements set forth in subsections (a) and (b) of this section, insofar as same are relevant to the authority requested therein, and such supplemental application shall be accompanied by an additional filing fee of $500.00. Each application or supplemental application shall be maintained by the city secretary as a part of the public records of the city.

_____ G) The applicant or a personal representative of the applicant shall be present and appear before the city council at such time as the city council considers the application or any amendment thereto.

Resources – Manvel code of ordinances:

_____ Heavy Truck Permit/Bond/Insurance (Code Chapter 41) http://library.municode.com/index.aspx?clientId=14024

_____ Noise Ordinance / Construction hours
http://library.municode.com/index.aspx?clientId=14024

_____ Article V Oil and Gas Wells
http://library.municode.com/index.aspx?clientId=14024
Sec 35-104 – Consideration of application and notice
Sec 35-105 - Granting or refusal of permit
Sec 35-106 – Form and issuance of permit
Sec. 35-107 - Bond requirements
Sec 35-108 – Liability Insurance Requirements
Sec 35-109 – Release from Bond
Sec 35-110 – Unlawful to permit escape of mud; requiring plugging; limiting production of h2s
Sec 35-111 – Remedial well work
Sec 35-112 - Deeper drilling
Sec 35-113 – Sale, transfer or conveyance of permits
Sec 35-114 – Violation and penalty

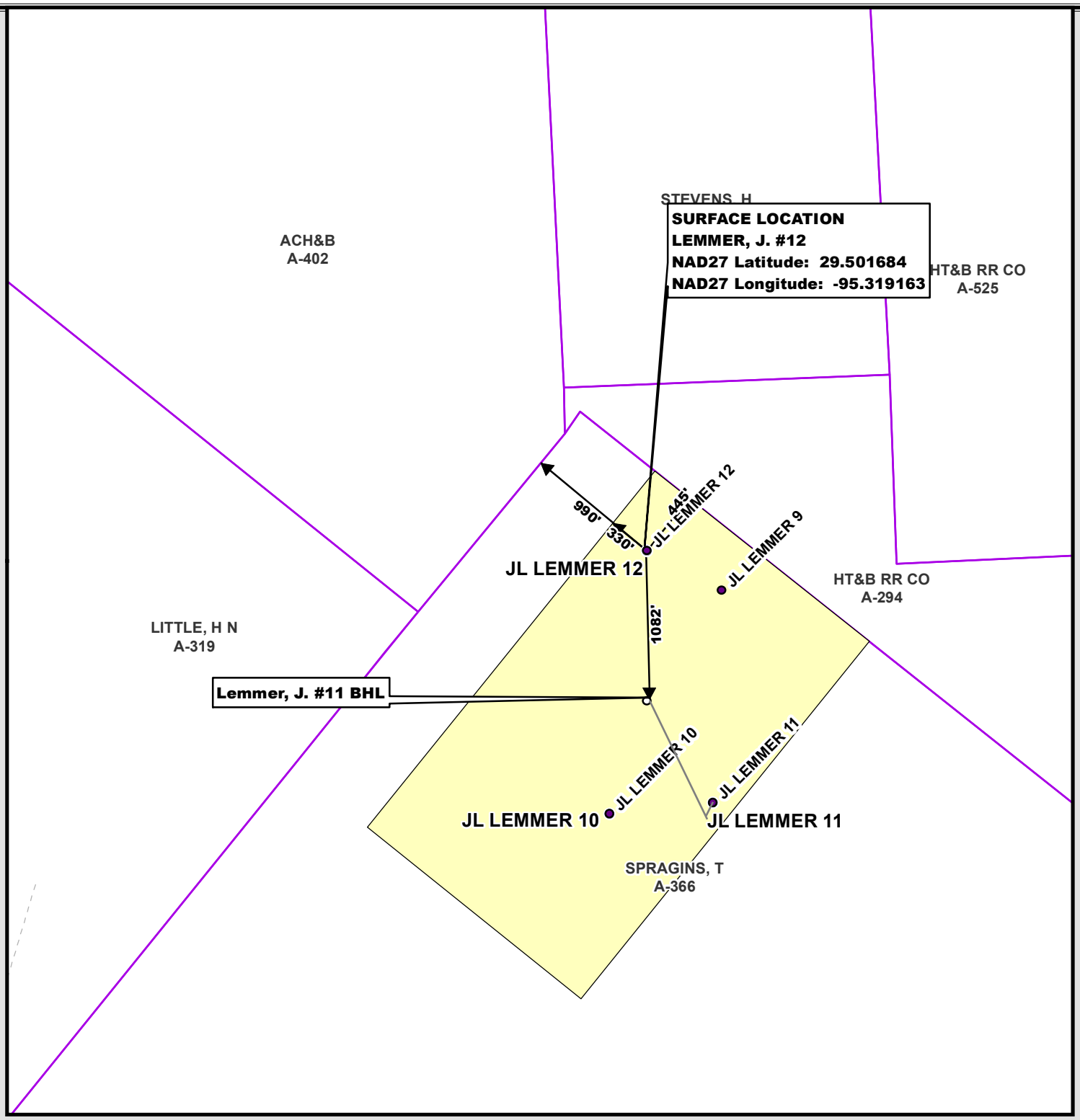
ATTACHMENT A

PLAT

Well Name: Lemmer, J. 12

Please see attached plat with the following content:

1. Permit plat submitted to RRC, approved by Tammy Bell (11/2/2022).
2. Exact location of existing well
3. Lease outline with secured rights of owner to deepen (area shaded in yellow indicates existing lease operated by Denbury Onshore, LLC).
4. Designation of area controlled by applicant (similar to No. 3 above, area shaded in yellow indicates existing lease operated by Denbury Onshore, LLC)
5. Distance from the well location to all residences, commercial buildings and structures situated within leased boundaries.
    - **Please note that there are no residences, commercial buildings or structures situated within the lease boundaries other than oilfield related structures.**



I hereby certify that this plat is true and correct to the best of my belief and knowledge

Michael Alltag

Denbury

DENBURY ONSHORE, LLC

LOCATION PLAT
LEMMER, J. #12
T. SPRAGING SVY, A-366 BRAZORIA COUNTY
DEEPENING PERMIT FOR 3 FIELDS

Date:	10/28/2022
Author:	Veronica Carr
API:	42-039-32611
Relative Scale:	1 in = 1,000 feet
Scale Bar:	0 250 500 1,000 1,500 Feet

ATTACHMENT B

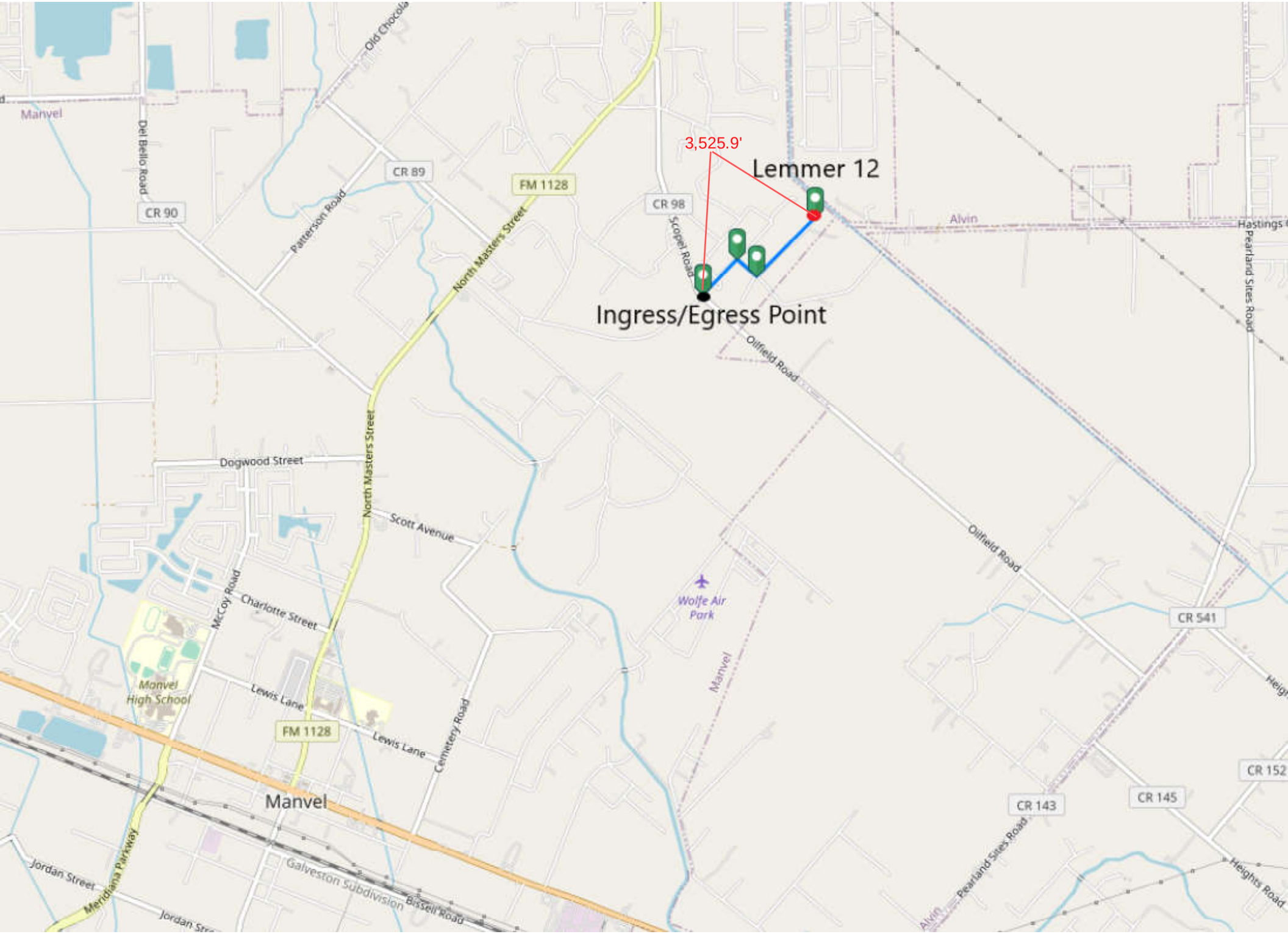
MAP

Well Name: Lemmer, J. 12

Please see the attached map showing the following:

Existing site location in relation to the nearest public roadways and proposed route on ingress and egress by the applicant.

Entry/Exit point to well location is lease road to the North of Oilfield Rd & CR98/Scopel Road intersection. Total footage from Entry/Exit point to well location is 3,525.9'.


3,525.9'
Lemmer 12
Ingress/Egress Point
Manvel
Del Bello Road
CR 90
CR 89
Patterson Road
FM 1128
North Masters Street
CR 98
Scopel Road
Alvin
Hastings
Pearland Sites Road
Oilfield Road
Dogwood Street
Scott Avenue
McCoy Road
Charlotte Street
Wolfe Air Park
CR 541
Manvel High School
Lewis Lane
Cemetery Road
CR 152
CR 143
CR 145
Meridiana Parkway
Jordan Street
Galveston Subdivision
Bassett Road
Heights Road

ATTACHMENT C

Texas Railroad Commission Form W-1

Well Name: Lemmer, J. 12

Please see the attached Form W-1.

API No. 42-039-32611

Drilling Permit # 885232

SWR Exception Case/Docket No.

RAILROAD COMMISSION OF TEXAS
OIL & GAS DIVISION

APPLICATION FOR PERMIT TO DRILL, RECOMPLETE, OR RE-ENTER

This facsimile W-1 was generated electronically from data submitted to the RRC.
A certification of the automated data is available in the RRC's Austin office.

FORM W-1 07/2004

Permit Status: Approved

1. RRC Operator No. 215343

2. Operator's Name (as shown on form P-5, Organization Report): DENBURY ONSHORE, LLC

3. Operator Address (include street, city, state, zip): 5851 LEGACY CIRCLE STE 1200 PLANO, TX 75024-0000

4. Lease Name: LEMMER, J.

5. Well No. 12

GENERAL INFORMATION

6. Purpose of filing (mark ALL appropriate boxes): ☐ New Drill ☒ Recompletion ☐ Reclass ☐ Field Transfer ☐ Re-Enter ☐ Amended ☐ Amended as Drilled (BHL) (Also File Form W-1D)

7. Wellbore Profile (mark ALL appropriate boxes): ☒ Vertical ☐ Horizontal (Also File Form W-1H) ☐ Directional (Also File Form W-1D) ☐ Sidetrack

8. Total Depth 6200

9. Do you have the right to develop the minerals under any right-of-way ? ☒ Yes ☐ No

10. Is this well subject to Statewide Rule 36 (hydrogen sulfide area)? ☐ Yes ☒ No

SURFACE LOCATION AND ACREAGE INFORMATION

11. RRC District No. 03

12. County BRAZORIA

13. Surface Location ☒ Land ☐ Bay/Estuary ☐ Inland Waterway ☐ Offshore

14. This well is to be located 3.5 miles in a NE direction from MANVEL which is the nearest town in the county of the well site.

15. Section

16. Block

17. Survey SPRAGINS, T

18. Abstract No. A-366

19. Distance to nearest lease line: ft.

20. Number of contiguous acres in lease, pooled unit, or unitized tract: 150

21. Lease Perpendiculars: 445 ft from the NE line and 330 ft from the NW line.

22. Survey Perpendiculars: 445 ft from the NE line and 990 ft from the NW line.

23. Is this a pooled unit? ☐ Yes ☒ No

24. Unitization Docket No:

25. Are you applying for Substandard Acreage Field? ☐ Yes (attach Form W-1A) ☒ No

FIELD INFORMATION List all fields of anticipated completion including Wildcat. List one zone per line.

26. RRC District No.	27. Field No.	28. Field Name (exactly as shown in RRC records)	29. Well Type	30. Completion Depth	31. Distance to Nearest Well in this Reservoir	32. Number of Wells on this lease in this Reservoir
03	57233223	MANVEL (F.B. II, OLIGOCENE)	Oil or Gas Well	6200	1082.00	3

BOTTOMHOLE LOCATION INFORMATION is required for DIRECTIONAL, HORIZONTAL, AND AMENDED AS DRILLED PERMIT APPLICATIONS

Remarks

See W1 Comments attached

Certificate:

I certify that information stated in this application is true and complete, to the best of my knowledge.

Veronica Carr, Regulatory Specialist — Name of filer

Oct 26, 2022 — Date submitted

(972)673-2867 — Phone

veronica.carr@denbury.com — E-mail Address (OPTIONAL)

RRC Use Only Data Validation Time Stamp: Nov 1, 2022 10:31 AM(Current Version)

Permit Status: Approved

The RRC has not approved this application. Duplication or distribution of information is at the user's own risk.

RAILROAD COMMISSION OF TEXAS
OIL & GAS DIVISION

APPLICATION FOR PERMIT TO DRILL, RECOMPLETE, OR RE-ENTER

This facsimile W-1 was generated electronically from data submitted to the RRC. A certification of the automated data is available in the RRC's Austin office.

W-1 Comments

Permit # 885232

Approved Date: Oct 31, 2022

[FILER Oct 26, 2022 9:00 AM]: Denbury plans to deepen well. Well will be only lease well in field being permitted.; [RRC STAFF Oct 28, 2022 12:58 PM]: There have been problems identified with this permit (see problem letter attachment). Notification sent.; [RRC STAFF Oct 31, 2022 10:23 AM]: Per Veronica Carr, "the oil side of this lease was called J.L. Lemmer (lease #07852), whereas the gas side was called J. Lemmer (lease #288018 & #288484) by a previous operator. I've changed the well name on the plat to J. Lemmer #12 so it matches the other two wells (#10 & #!!) that are in the same field that we want to deepen to. According to our records, both names are considered the same lease."; [RRC STAFF Oct 31, 2022 10:24 AM]: Revised plat attached.; [RRC STAFF Oct 31, 2022 10:24 AM]: Per Veronica Carr, "Please see the attached revised plat showing the distance to the bottom-hole location of nearby well, J. Lemmer #11, in the same field, Manvel (F.B. II, Oligocene).

Please change the well count to 3 (located in this lease in same field to).

"; [RRC STAFF Oct 31, 2022 10:33 AM]: Corrected Lease name and well count.; [RRC STAFF Oct 31, 2022 10:33 AM]: Problems identified with this permit are resolved.

ATTACHMENT D

Texas Railroad Commission Form H-15

(All wells within regulated area that are operated by applicant)

Well Name: Lemmer, J. 12

There are currently four (4) wells that are not plugged on this lease. Of the four, the #12 is the only well that is inactive and has had a H15 performed…see attached.

Wayne Christian, Chairman
Christi Craddick, Commissioner
Jim Wright, Commissioner

DANNY SORRELLS,
DIRECTOR, OIL AND GAS DIVISION

CLAY WOODUL,
ASSISTANT DIRECTOR, FIELD OPERATIONS

RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

H-15 TEST ON AN INACTIVE WELL MORE THAN 25 YEARS OLD

Filing No.: 70109 **Filing Date:** 08/23/2022

OPERATOR INFORMATION

Operator Name:	DENBURY ONSHORE, LLC	**Operator Number:**	215343
Address 1:	5851 LEGACY CIRCLE STE 1200	**Address 2:**	
City:	PLANO	**State:**	TX
Zip Code:	75024		

LEASE AND WELL

Lease Name:	LEMMER, J. L.	**Oil Lease/Gas ID Number:**	07852
Field Name:	MANVEL, E. (OAKVILLE #3)	**County:**	BRAZORIA
		API Number:	03932611
RRC District:	03		
		Base of Deepest Usable Quality Water:	1825
Well No.:	12		
Historical Wellbore Date:	05/29/1997		
		GAU Determination Date:	07/12/2022

Location:

Section:		**Block:**	
Abstract:	366		
Survey:	SPRAGINS, T		

Well - Perpendicular surface location from two nearest survey lines.

First Distance:	445	**First Direction:**	NE
Second Distance:	990	**Second Direction:**	NW

Wayne Christian, Chairman
Christi Craddick, Commissioner
Jim Wright, Commissioner

DANNY SORRELLS,
DIRECTOR, OIL AND GAS DIVISION

CLAY WOODUL,
ASSISTANT DIRECTOR, FIELD OPERATIONS

RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

H-15 TEST ON AN INACTIVE WELL MORE THAN 25 YEARS OLD

Filing No.: 70109 **Filing Date:** 08/23/2022

TEST INFORMATION

Date Test Performed: 08/17/2022

RRC Notification Number:

Type of Test: Annual Fluid Level

Top of Fluid in Wellbore: 2591

Determined By: Sonic Survey

Performed By:

Define Other:

Operator Remarks:

WOULDN'T LET ME PROCEED WITHOUT ATTACHING GAU LETTER EVEN THOUGH THE DATE WAS GRAYED OUT.

FILING INFORMATION

Submitted By: Veronica Carr

Submitted On: 8/23/22 1:06 PM

REVIEW INFORMATION

Reviewed By: Lourdes Lazcano

Review Decision: Approved

Reviewed On: 8/24/22 8:17 AM

ATTACHMENT E

Groundwater Determination Letter

Well Name: Lemmer, J. 12

Please see attached.

GROUNDWATER PROTECTION DETERMINATION

Form GW-2

Groundwater Advisory Unit

Date Issued:	12 July 2022	**GAU Number:**	350208

Attention:	DENBURY ONSHORE, LLC 5851 LEGACY CIRCLE STE PLANO, TX 75024	**API Number:**	03932611
		County:	BRAZORIA
		Lease Name:	LEMMER, J. L.
		Lease Number:	07852
Operator No.:	215343	**Well Number:**	12
		Total Vertical	4510
		Latitude:	29.501684
		Longitude:	-95.319163
		Datum:	NAD27

Purpose: Test On Inactive Well (H-15)

Location: Survey-SPRAGINS, T. ; Abstract-366

To protect usable-quality groundwater at this location, the Groundwater Advisory Unit of the Railroad Commission of Texas recommends:

This Groundwater Protection Determination Letter is only applicable to testing of an Inactive Wellbore in accordance with 16 Texas Administrative Code (TAC) §3.15(l) Fluid level or hydraulic pressure test for inactive wells more than 25 years old; and 16 TAC §3.15(m) Fluid level or hydraulic pressure test for inactive land well less than 25 years old (Form H-15).

The estimated deepest depth to the Base of the Usable-Quality Water over this area is 1825 feet below surface elevation.

If a well fails H-15 testing and is going to be plugged or subjected to an activity requiring a current Groundwater Determination Letter, then a new application must be submitted with the appropriate Reason for Filing to obtain all the groundwater protection isolation depths for the well.

This recommendation is applicable to all wells within a radius of 625 feet of this location.

Note: Unless stated otherwise, this recommendation is intended to apply to all wells drilled within 200 feet of the subject well. Unless stated otherwise, this recommendation is for normal drilling, production, and plugging operations only.

This determination is based on information provided when the application was submitted on 07/11/2022. If the location information has changed, you must contact the Groundwater Advisory Unit, and submit a new application if necessary. If you have questions, please contact us at 512-463-2741 or gau@rrc.texas.gov.

Groundwater Advisory Unit, Oil and Gas Division

ATTACHMENT F

Filing Fee

Well Name: Lemmer, J. 12

We would like to pay filing fee of $1,000 by credit card and understand that an additional transaction fee of 3% will be added to the cost.

We would like to include the fee of $5,000 for the option to expedite this application.